

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF TEXAS
3 AMARILLO DIVISION

4 SPECTRUM WT,)

5 Plaintiff,)

6 v.)

Case No. 2:23-cv-00048

7 WALTER WENDLER, in his)
8 official capacity as the)
9 President of West Texas)
10 A&M University, et al.,)

11 Defendants.)

12 -----
13 ORAL DEPOSITION OF SHAWN FOUTS
14 DECEMBER 10, 2025 - CANYON, TEXAS
15 -----
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20 ORAL DEPOSITION OF SHAWN FOUTS, produced as a
21 witness at the instance of the PLAINTIFF and duly sworn,
22 was taken in the above styled and numbered cause on
23 DECEMBER 10, 2025, from 9:04 a.m. to 2:41 p.m., at the
24 offices of WEST TEXAS A&M UNIVERSITY, Old Main Building,
25 Room 317, Canyon, Texas, before SHARON D. LIVINGSTON,
CSR-RPR, in and for the State of Texas, reported by
machine shorthand, and pursuant to the Federal Rules of
Civil Procedure.

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1 SHAWN FOUTS,
2 having been first duly sworn, testified as follows:

3 EXAMINATION

4 BY MR. STEINBAUGH:

5 Q. Good morning, Dr. Fouts. It's Dr. Fouts,
6 correct?

7 A. Yes.

8 Q. You understand that you are here for your
9 deposition in a lawsuit involving the cancellations of
10 student drag shows?

11 A. Uh-huh.

12 Q. Have you ever been deposed before?

13 A. No.

14 Q. Well, I have three kind of broad rules for us
15 today. Please listen and answer the question that was
16 asked. If you don't understand the question, please let
17 me know. I will probably ask some questions that don't
18 make sense, and I want to make sure there's a clean
19 record, so if it doesn't make sense to you, then the
20 answer is not going to make sense to other people.

21 Please don't talk over me, and I won't talk
22 over you. We want to make sure that she creates a clean
23 written record.

24 Please give verbal answers because it's hard
25 to tell from a transcript when someone nods or says

1 to the witness.

2 Q. (BY MR. STEINBAUGH) This is the Amended Rule
3 30(b)(6) Deposition Notice. Have you seen this before?

4 A. Yes.

5 Q. I want to talk through some of the topics that
6 you're designated to testify about today just to make
7 sure that you are aware of what the topics are and that
8 you're prepared to testify about them.

9 A. Yes.

10 Q. And you understand that the lawyers have talked
11 about this and negotiated this so that the topics are a
12 little bit more limited than what's in this document, a
13 little bit more narrower?

14 A. Okay.

15 Q. Do you understand that?

16 A. I do.

17 Q. And I'm going to read my understanding of what
18 the topics are based on the negotiations with the
19 lawyers, so let me know if there's anything about that
20 that isn't correct.

21 A. Okay.

22 Q. Topic Number 1 on the third page is: "The
23 proposed and actual uses of Legacy Hall, including drag
24 performances, between January 1st, 2022 and the
25 present," involving a list of specific events that

1 should be listed there, and the lawyers have also
2 added -- or at least I have added the Chicago
3 performance in the Branding Iron Theater in 2017, the
4 Peter and the Starcatcher performance in the Fine Arts
5 Complex in 2018, the Representative Ronny Jackson
6 Candidate Forum, the title of Show Performance, the One
7 Marriage and Family Ministries event, and the Community
8 Night of Worship and Prayer.

9 Is that correct.

10 A. I'm not familiar with those events.

11 Q. Okay. So you're not prepared to discuss those
12 particular events?

13 A. I do not have any knowledge of those particular
14 events.

15 Q. Okay. What did you do to prepare for this
16 topic?

17 A. I reviewed the ones prior to 2022. And just
18 for clarification, Topic 1 says "January 2012," but you
19 said "2022?"

20 Q. Correct. So it should be narrower, so you
21 don't have to go that far back.

22 A. Okay. I reviewed specifically the reservation
23 for the Fool's Drag Race and Don't Be a Drag Drag Show.
24 The other ones don't -- we've narrowed it, so those were
25 pre-2022.

1 Q. Okay. Topic Number 2 on Page 4 is: "The
2 proposed and actual uses of Legacy Hall, including drag
3 performances, and the Fine Arts Complex, between January
4 1st, 2022 and the present for a list of particular
5 events: A Fool's Drag Race, Don't Be a Drag Drag Show,
6 Queer Movie Night, the March 2012 Buff-A-Whoa Drag Show,
7 and each Mr. And Miss West Texas Drag Show since January
8 2015," and then we limited the particular events with
9 the words "drag show," "drag," "pageant," "dance," or
10 "talent" in the title or description, or the words
11 "Miss," "Ms.," "Mister," or "Mr." In the title.

12 Does that make sense?

13 A. Yes, sir.

14 Q. And what did you do to prepare for this
15 topic?

16 A. Since they were before my tenure, I spoke with
17 Chance Haugen, as I assumed he would have the most
18 knowledge of any event prior to 2022.

19 Q. And how long has Chance Haugen been at the
20 university, to your knowledge?

21 A. Since 2007 or '8. I'm not sure when he assumed
22 the role of director of the JBK.

23 Q. Okay. Does the university maintain a database
24 or an event-planning system to keep track of these types
25 of events?

1 A. I cannot tell you the date that the Electronic
2 Management System was put into place. That was
3 discontinued within the last 12 months, and we no longer
4 have access to that system, as we've switched to a new
5 management system.

6 Q. And you say you no longer have access to that.

7 Who does? What happened to that system?

8 A. We made the transition from -- the previous
9 system was called EMS, Electronic Management System.
10 That particular company was no longer servicing that
11 product, and we were forced to switch to what is 25
12 Live, which is now the reservation process. I could not
13 answer who may have access to EMS at this point.

14 Q. Okay. For Topic 4 on Page 4, you're going to
15 talk about the proposal, registration, and university
16 response to a list of events that are listed. If you
17 want to take a moment to review those, let me know when
18 you have.

19 A. Has anything been added to this list?

20 Q. No.

21 A. I'm fine, sir.

22 Q. Are you prepared to discuss this topic?

23 A. Yes.

24 Q. Are there any limitations on your ability to
25 testify about this topic?

1 A. They would be limited to prior to my tenure.

2 Q. So information you gathered from Chance?

3 A. Yes.

4 Q. Topic 5 on Page 6 is: "The policies,
5 procedures, practices, and customs concerning the
6 reservation or use of Legacy Hall."

7 Are you prepared to testify about that?

8 A. Yes, sir.

9 Q. Topic 7 on Page 6 is: The university's efforts
10 between January 1st, 2020 and the present to promote" --
11 meaning advertise or draw publicity -- "the availability
12 of Legacy Hall for the use, reservation, or rental by
13 students, student organizations, faculty, or the
14 public."

15 Are you prepared to testify about that?

16 A. My knowledge would be limited to 2022 and
17 forward, but yes.

18 Q. Topic Number 9 on Page 6 is: "The university's
19 policies, rules, and practices for student expression,
20 registered student organizations, the student use of
21 campus facilities, and the reservation process for
22 reserving those facilities."

23 Are you prepared to testify about that?

24 A. Yes.

25 Q. And Topic Number 10 is: "The university's

1 processing" -- meaning the decision-making, who made the
2 decision about the application, when those decisions
3 were made, and the basis for those decisions up to and
4 including Wendler's decision to cancel the 2023 and 2024
5 shows -- "of any application by plaintiff to host an
6 event on campus since January 1st, 2023."

7 Are you prepared to testify about that?

8 A. Yes.

9 Q. All right. How long have you been at West
10 Texas University (sic)?

11 A. I began in October of 2022.

12 Q. What were you doing before that?

13 A. I was in private practice as a business coach
14 and sports consulting coach.

15 Q. Tell me about your educational background.

16 A. My undergraduate degree is in religion, and my
17 doctorate is in higher education administration.

18 Q. Okay. You said that you were doing consulting.
19 What were you doing before that?

20 A. Pastoring a church.

21 Q. Where at?

22 A. Here in Amarillo and various place in Texas,
23 but my last senior pastorate was in Amarillo.

24 Q. Were you at West Texas University before then,
25 or were you in higher --

1 A. I was.

2 Q. -- education before then?

3 What were you doing then?

4 A. I was here between 2005 and, I believe 2007,
5 early 2008, as an associate director of the Jack B.
6 Kelley Student Center. Mostly my role revolved around
7 leadership education programs.

8 Q. So you left the university and then came back
9 sometime later. Why come back?

10 A. I had the opportunity to return. I just had a
11 great opportunity to return to the university.

12 Q. What is your current role at West Texas
13 University? I'm borrowing that from JT. Sorry.

14 What is your current role at West Texas
15 A&M University?

16 A. I'm senior director of Campus Community. The
17 major part of my role revolves around senior director of
18 Residential Living.

19 Q. Does your role involve overseeing the
20 activities and events at the JBK?

21 A. No longer.

22 Q. When did that end?

23 A. Officially, October of this year. I was asked
24 to move into Residential Living October of 2024.

25 Q. So your duties no longer involve overseeing

1 events in the JBK?

2 A. No.

3 Q. Who does have those duties currently?

4 A. The assistant director of the Jack B. Kelley
5 Student Center is Andrew Mangum. The new senior
6 director of the JBK, which is broader than just the
7 reservation process, is Kelsey McGee.

8 Q. Who would be the final authority on approving
9 events at Legacy Hall?

10 A. I would say ultimately, Chance Haugen.

11 Q. How many people work in the JBK?

12 A. There are typically four professional staff
13 within the JBK itself. In the reservation and
14 operations side, there are currently two full-time as
15 just turnover and roughly 20 to 30 student workers.

16 Q. And what, in a broad sense, are the roles of
17 the student workers? What do they do?

18 A. Student workers will serve as an event service
19 assistant, and they help process reservation events.
20 There are audiovisual technicians that will ensure if an
21 event needs video, microphones, sound, lighting, then
22 there are event managers that serve as a supervisor of
23 the event.

24 If there's an issue or problem, lighting
25 doesn't work, something happens, they're there to help

1 solve those issues. Those are the primary roles. And
2 then the JBK operates an information desk, and there are
3 student workers who man the information desk during the
4 hours that the JBK is open.

5 Q. Can you describe the basic organizational
6 structure of the JBK Team? You said that there were
7 four professional staffer roles.

8 A. Yeah. So there will be a director of the JBK.
9 It's been restructured so that Andrew, as the assistant
10 director, operates the day-to-day operations of the Jack
11 B. Kelley.

12 There is someone who is in charge of
13 event reservations, and that position is currently
14 vacant, but they would answer to Andrew Mangum. They
15 have an Event Service Team, which are student workers
16 under them, to help make sure the students are on-track
17 processing events.

18 There is the audiovisual or production
19 specialist who makes sure that if an event needs
20 particular lighting, sound -- some events may need no
21 sound; others may need up to 10 or 12 microphones
22 depending on what they're doing -- they will maintain
23 that. They will set up events all over campus.

24 And then we have a JBK coordinator, and
25 that person really supervises the building in the

1 evening hours, and it's kind of a catch-all position.
2 Reservations during certain times of the year,
3 particularly end of semester, are very heavy, and they
4 may help catch up on reservations or help ensure that if
5 the building is dirty, that it's being cleaned.

6 So they'll maintain those kind of building
7 operations. They may help serve as an event manager if
8 student workers are not available. If there's events
9 happening outside of the JBK during those hours, they
10 will generally move to those events to ensure everything
11 is okay and that there's no issues involved. So it's
12 kind of a catch-all position.

13 Q. Okay. You said that the Event Services Team
14 kind of works with the students to make sure they're
15 caught up on things or helps them through that process.

16 Is that sort of an iterative process
17 where they go back and forth with students to make sure
18 events are being planned?

19 A. Yes.

20 Q. Is that kind of like "herding cats" sometimes?

21 A. Yes. Their role is really to ensure that if,
22 for instance, they're having food but not choosing to
23 use the on-campus food service, that they've completed a
24 catering exemption.

25 If they have specified they're going to

1 need audiovisual technicians, but they have not
2 specified the reason as to why, they'll follow up and
3 ask, "How many audiovisual technicians do you think you
4 need?" "Are you just showing a movie?" That could be
5 one audiovisual technician. For instance, if it's a new
6 student orientation, they may need four microphones.

7 Q. So essentially, it is helping students identify
8 boxes that have not been checked, checking those boxes,
9 identifying issues the university might have with an
10 event, and working through ways to overcome those
11 obstacles?

12 A. It's usually facilitating to make sure that
13 everything is in place for the day of the event, and
14 there's no last-minute things that have not been
15 completed prior to the event taking place.

16 Q. And your answer to that question is "yes?"
17 You nodded, but I'm just making sure.

18 A. Okay. Thank you. Yes.

19 (Exhibit 52 marked.)

20 MR. STEINBAUGH: I want to mark and hand
21 the witness Exhibit 52.

22 THE WITNESS: Is this yours?

23 MR. BRYANT: Thank you.

24 Q. (BY MR. STEINBAUGH) Are you familiar with this
25 policy?

1 A. I am familiar with the policy. The current
2 version of this policy I would be less familiar with,
3 but yes.

4 Q. This is a policy dated November 13th, 2025, but
5 this is the current policy?

6 A. As far as I know.

7 Q. Are you aware of any plans to amend or change
8 this policy?

9 A. No.

10 (Exhibit 53 marked.)

11 MR. STEINBAUGH: I want to mark and hand
12 the witness Exhibit 53.

13 Q. (BY MR. STEINBAUGH) Are you familiar with this
14 policy?

15 A. No.

16 Q. Can you identify what this policy is?

17 A. The Expressive Activity Policy.

18 Q. This is the Expressive Activity Policy of the
19 Texas A&M System?

20 A. As I can tell from the logo, I would say yes.

21 MR. BRYANT: Dr. Fouts, I'd instruct you
22 that when counsel asks you to identify a document, you
23 should tell him what it is if you know what it is, but
24 if it's a document you've never seen before, you should
25 so advise him.

1 THE WITNESS: Thank you.

2 A. I have not seen this policy before.

3 Q. (BY MR. STEINBAUGH) So you don't know whether
4 or not this is the current Expressive Activity on Campus
5 Policy for the A&M System?

6 A. I do not.

7 Q. Are you aware of any other Expressive Activity
8 on Campus Policy for the A&M System other than this one?

9 A. No.

10 MR. BRYANT: And other than Exhibit 52,
11 which appears to be an Expressive Activity on Campus
12 Policy of the Texas A&M System.

13 (Exhibit 54 marked.)

14 MR. STEINBAUGH: I will mark this as
15 Exhibit 54 and hand it to the witness. This has been
16 previously submitted by the defendants in a September
17 status conference as Defendants Exhibit 4.

18 Q. (BY MR. STEINBAUGH) Dr. Fouts, have you seen
19 this document before?

20 A. I have not seen this current version.

21 Q. Do you know if this is the current Expressive
22 Activity on Campus Policy for West Texas A&M University?

23 A. I do not know that.

24 Q. Do you know if there is a different version of
25 this that is the current policy for West Texas A&M

1 University?

2 A. There is an Expressive Activity Policy.

3 Q. Do you know of any plans to amend or change or
4 replace that policy?

5 A. No.

6 Q. Do you know whether or not there is a version
7 of that policy on the university's website?

8 A. No.

9 Q. Assuming that that is the current university
10 policy, can you turn to Page 2?

11 Let me back up. Are you familiar with
12 the university's policy on Expressive Activity On Campus
13 in general?

14 A. Yes.

15 Q. Okay. Does this appear to be the university's
16 policy on Expressive Activity on Campus as you are
17 familiar with it? And you can take time to read through
18 the document.

19 MR. BRYANT: Please review the document as
20 much as you need to before you answer the question.

21 Q. (BY MR. STEINBAUGH) And if you need me to ask
22 it again after you've reviewed it, we can do that.

23 A. Can you repeat the question?

24 Q. Does this appear to be the university's current
25 policy on Student Expressive Activity on Campus?

1 A. Yes.

2 MR. BRYANT: And by "the university," you
3 mean West Texas A&M?

4 MR. STEINBAUGH: West Texas A&M, correct,
5 not West Texas University.

6 MR. BRYANT: Or even the Texas A&M
7 University System?

8 MR. STEINBAUGH: Correct.

9 Q. (BY MR. STEINBAUGH) Are you aware of any plans
10 to amend or change this policy?

11 A. No.

12 Q. Do you know whether or not the university is
13 waiting for the chancellor's signature on this policy?

14 A. I do not know.

15 Q. Can you turn to Page 2? You'll see Section
16 1.3.1. Do you see that?

17 A. Yes, sir.

18 Q. Can you read that to yourself just to make sure
19 you're aware of it?

20 A. Yes, sir.

21 Q. Is it fair to say that this states that
22 university policy is that when it restricts the
23 expressive activity by students and registered student
24 organizations, it must do so consistent with the First
25 Amendment?

1 Q. Does that reservation process apply to spaces
2 in public, like sidewalks or the area around the
3 fountain?

4 A. Public space that is open, it's not required to
5 make a reservation.

6 Q. Does the Advance Reservation Requirement of
7 this policy apply to Legacy Hall?

8 A. Yes.

9 Q. And if you'll turn to the next page, you'll see
10 Section 3, Reservation Procedures. If you want to read
11 through 3.1 and 3.2, let me know when you're done.

12 A. Yes, sir.

13 Q. Is this the procedure that governs the
14 requirement to request the use of Legacy Hall?

15 A. Yes.

16 Q. And that's the Live 25 system?

17 A. Yes.

18 Q. Or 25 Live?

19 A. 25 Live.

20 Q. I'm going to make that mistake all day long.
21 And is that generally a first-come-first-serve basis
22 for reserving spaces in Legacy Hall?

23 A. Yes, sir.

24 Q. What's a university priority event?

25 A. It's an institutional event that is reoccurring

1 every year. The easiest example is graduation or such
2 an institutional event that has been recognized as a
3 reoccurring institutional event. It receives priority
4 over other events.

5 Q. And in general, how early are those planned?
6 How far do you see those coming?

7 A. Six to 12 months.

8 Q. You'll see in Section 3.1 at the very tail end
9 there, it says, "The university reserves the right to
10 locate any assembly so as to ensure that the activity
11 does not interfere with the normal operation of the
12 university or interfere with the rights of others."

13 Is Legacy Hall and the JBK situated away
14 from classrooms or academic buildings on campus?

15 A. It is adjacent to the classroom center.

16 Q. How far away?

17 A. The buildings are connected, and they're
18 divided by a courtyard between the west wing, Legacy
19 Hall, and the west entrance to the classroom center.

20 Q. Is Legacy Hall an enclosed space?

21 A. Yes, sir.

22 Q. Are the walls fairly soundproof?

23 A. Yes.

24 Q. The doors can be closed?

25 A. Yes, sir.

1 Q. Are there windows on the doors?

2 A. No.

3 Q. The location of Legacy Hall, is it fair to
4 assume that the university put it in a place where
5 events can be held so they do not disrupt classes?

6 A. I could not answer why it was built where it
7 was built.

8 Q. Do events in Legacy Hall frequently disrupt
9 classes?

10 A. No.

11 Q. Does the university take steps to ensure that
12 events in Legacy Hall do not disrupt academic classes?

13 A. Yes.

14 Q. What kind of steps do you take?

15 A. Considering class schedule, considering Legacy
16 has reservable rooms underneath of it that classes will
17 sometimes reserve for exams, so just ensuring that on
18 the calendar there is no academic program within the
19 building that the event at Legacy may interfere with.

20 Q. And you're familiar with the 2023 and 2024 drag
21 show applications by Spectrum?

22 A. Yes.

23 Q. Were either of those events taking place during
24 exams or classes that it might have interfered with?

25 A. I do not believe so.

1 Q. If they were, the university would have raised
2 that concern or accommodated the event or moved it so
3 that it could happen without interfering with classes,
4 correct?

5 A. Yes.

6 Q. You can set that aside for now, but we'll come
7 back to this document.

8 A. Okay.

9 (Exhibit 55 marked.)

10 MR. STEINBAUGH: I want to mark as Exhibit
11 55 a spreadsheet. This is derived from a document that
12 was identified as Defendants 088565, which was an Excel
13 spreadsheet.

14 Q. (BY MR. STEINBAUGH) Have you seen this before?

15 A. Yes.

16 Q. What is this?

17 A. This is a recap of events that have been held
18 in each of the facilities in those particular years.

19 Q. If you look at the first box that says "Legacy
20 Hall 151," what is that?

21 A. Legacy Hall 151 is the room number of Legacy
22 Hall, and then this is a breakdown, from 2017 to 2024,
23 of the number of events that occurred in Legacy Hall by
24 designation.

25 Q. And those designations are student

1 organizations, departments, students, and
2 non-university?

3 A. Yes, sir.

4 Q. "Student organization" refers to recognized
5 student organizations?

6 A. Yes, sir.

7 Q. "Departments," I assume, refers to
8 administrative departments or faculty departments of the
9 university?

10 A. Yes, sir.

11 Q. "Students" refers to individual students?

12 A. Yes, sir.

13 Q. And "non-university," what does that mean?

14 A. An example would be the city of Canyon may use
15 that space.

16 Q. So groups with no formal connection to the
17 university?

18 A. Yes, sir.

19 Q. And under the column 2024, it says there were
20 34 student organization events in Legacy Hall in 2024.

21 Is that accurate?

22 A. As far as I know.

23 Q. And 137 department uses of Legacy Hall?

24 A. Yes, sir.

25 Q. And 14 non-university uses?

1 A. Yes, sir.

2 Q. If you turn to the fourth page, it says "25
3 Live Data 2024" at the top there?

4 A. Yes, sir.

5 Q. Are these events that were in addition to the
6 events in the first box?

7 A. Yes, sir.

8 Q. So it had 18 additional student organization
9 events in addition to the 34 from the first box?

10 A. Yes, sir.

11 Q. And same with non-university? There were three
12 more in addition to the 14 uses?

13 A. Yes, sir.

14 Q. And this is because of the transition to 25
15 Live?

16 A. Yes.

17 Q. Are these fairly typical uses of Legacy Hall
18 year over year, just as a ballpark, setting aside the
19 COVID era?

20 A. Yes, sir.

21 Q. I want to go back to the Expressive Activities
22 Policy that we were looking at.

23 MR. BRYANT: Which exhibit is that?
24 There are several of them.

25 MR. STEINBAUGH: That would have been

1 Exhibit 54.

2 THE WITNESS: Okay.

3 Q. (BY MR. STEINBAUGH) Can you look at Section
4 3.2?

5 A. Yes, sir.

6 Q. 3.2 governs the process to reserve spaces in
7 Legacy Hall?

8 A. Yes, sir.

9 (Exhibit 56 marked.)

10 MR. STEINBAUGH: I want to mark and hand
11 the witness Exhibit 56. This should be Bates stamped
12 Defendants 000412.

13 MR. BRYANT: Thank you.

14 Q. (BY MR. STEINBAUGH) Have you seen this
15 document before?

16 A. I'm not sure how to answer. I've seen the
17 content of the document.

18 Q. Okay. Can you describe this document?

19 A. Yes. It is the basic facility use and the
20 responsibilities of those who would use a given facility
21 on campus.

22 Q. And the paragraph under "Responsibilities"
23 where it references the "request-for-space reservation
24 website," that is again the 25 Live website?

25 A. Yes, sir.

1 Q. So this policy governs the process for
2 reserving Legacy Hall?

3 A. Yes, sir.

4 Q. And you see under Paragraph A, it says, "The
5 following facilities have a designated reservation
6 coordinator," and that includes the Jack B. Kelley
7 Student Center?

8 A. Yes, sir.

9 Q. Who is that?

10 A. That would be, currently, Andrew Mangum and his
11 staff.

12 Q. And during the 2023-2024 year, that would have
13 been you?

14 A. Yes, sir.

15 Q. And you see at the top under "Procedure
16 Statement," it says, "The process to reserve and use
17 WTAMU rooms and facilities applies for any special
18 event, including fundraising activity, social gatherings
19 or functions, or advisory groups, including third-party
20 requests."

21 Are those events that can be held in
22 Legacy Hall?

23 A. Yes, sir.

24 (Exhibit 57 marked.)

25 MR. STEINBAUGH: I want to mark and hand

1 the witness Exhibit 57.

2 MR. BRYANT: Thank you.

3 Q. (BY MR. STEINBAUGH) Are you familiar with this
4 policy?

5 A. Yes, sir.

6 Q. What is this policy?

7 A. This is a policy that explains the
8 responsibilities and procedures for events generally of
9 a political nature.

10 Q. And you see under Paragraph 3, it says,
11 "Student organizations may sponsor partisan political
12 activities or events on campus."

13 Does that mean that a student group can
14 choose to invite, say, a Republican speaker?

15 A. Yes, sir.

16 Q. Would they be obligated to invite a Democrat as
17 well, like that particular student organization?

18 A. No, sir.

19 Q. So would it be fair to say this policy
20 reiterates that the university has to be neutral and
21 can't choose sides, but student organizations can choose
22 what types of speakers to bring?

23 A. Yes, sir.

24 (Exhibit 58 marked.)

25 Q. (BY MR. STEINBAUGH) I'm going to mark this as

1 Exhibit 58. Are you familiar with this document?

2 A. Yes, sir.

3 Q. What is this?

4 A. This is a copy of the website of the Jack B.
5 Kelley.

6 Q. And is this the Mission Statement website?

7 A. Yes, sir. It includes a brief history, who
8 makes up the JBK, the goals.

9 Q. It describes the JBK as the "living room for
10 campus?"

11 A. Yes, sir.

12 Q. What does that mean?

13 A. The JBK has been the place where students
14 gather. It has restaurants that students or the public
15 can utilize. It's the place where students outside of
16 the classroom or their residence hall, provides a place
17 for them to socialize.

18 Q. Okay. So the JBK and the facilities there are
19 about educational growth, social engagement, and
20 intellectual development?

21 A. Yes, sir.

22 Q. So it's broader than just academic or
23 educational purposes? It's also a social function?

24 A. Yes, sir.

25 Q. Do student events have to have an express

1 educational purpose?

2 A. No, sir.

3 Q. Is it fair to say that allowing students the
4 opportunity to have diverse events -- and I mean that in
5 a sense of having a range of social, academic, political
6 types of events -- contributes to a vibrant community on
7 campus?

8 MR. BRYANT: Objection; vague.

9 Q. (BY MR. STEINBAUGH) You can answer.

10 A. Could you repeat the question?

11 Q. Is it fair to say that allowing students or
12 facilitating students' ability to organize a range of
13 events on campus contributes to a vibrant culture on
14 campus?

15 MR. BRYANT: Same objection.

16 A. Yes, sir.

17 Q. (BY MR. STEINBAUGH) You'll see on this
18 document that it mentions that Legacy Hall is a
19 "multi-purpose room."

20 Can you describe some of its purposes?

21 A. Which document are you referring to?

22 Q. The Mission Statement document.

23 A. Okay.

24 Q. And the "Legacy Hall multi-purpose room" part
25 is in the second paragraph here, kind of in the middle.

1 A. Yes. Could you repeat the question?

2 Q. What are some of the purposes of that room when
3 it refers to "multi-purpose room?"

4 A. Could you clarify "purpose?"

5 Q. I mean when it's saying to the public it's a
6 "multi-purpose room," what is the purpose of making that
7 representation to the public?

8 A. Legacy Hall has served as a place for weddings,
9 concerts. The public may use it for their events when
10 there's not a space large enough as an event center,
11 let's say. There are meetings of large groups that need
12 that size meeting space that are not available to them
13 in their own facilities.

14 (Exhibit 59 marked.)

15 Q. (BY MR. STEINBAUGH) I want to mark this as
16 Exhibit 59. Are you familiar with this document?

17 A. Yes, sir.

18 Q. What is this?

19 A. It's a continuation of the Jack B. Kelley
20 website.

21 Q. And you'll see at the top under "Event Venues
22 at WTAMU," it says that it's "home to several venue
23 spaces that are ideal for events, large and small
24 wedding ceremonies and receptions, rehearsal dinners,
25 milestone celebrations, corporate receptions and

1 conferences, holiday parties, board meetings, and much
2 more."

3 Are those all events that can be held in
4 Legacy Hall?

5 A. Yes, sir.

6 Q. And on Page 2, in the middle there under "Jack
7 B. Kelley Student Center Legacy Hall," it says it's "a
8 large modern hall that is equipped with some of the best
9 technology in the Texas Panhandle."

10 Is that accurate?

11 A. Yes, sir.

12 Q. What kind of technology is that?

13 A. Sound equipment, lighting equipment, acoustics.

14 Q. Is there a stage that can be put in there?

15 A. There is a permanent stage with two large
16 drop-down screens, and there are temporary stages that
17 can be brought in as well.

18 Q. Is there a back-stage area, like a changing
19 room or a green room?

20 A. No, not in Legacy Hall.

21 Q. Are there places adjacent to it that can be
22 used for a changing room?

23 A. There is a green room across the hall.

24 Q. So you could put anything from a low-tech kind
25 of press conference or lecture to a full rock musical in

1 Legacy Hall?

2 A. Yes, sir.

3 Q. Page 2 also says, "It's great for events with
4 bands or live music."

5 Is that accurate?

6 A. Yes, sir.

7 Q. Is it fair to say that the university, through
8 this document, is holding out the space as suitable for
9 a stage performance involving music?

10 A. Yes, sir.

11 Q. It also says, "It's completely customizable, as
12 you can see from the photos." The photo here is of a
13 wedding.

14 Is that accurate?

15 A. Which photo are you referring to?

16 Q. The one adjacent to "Student Center Legacy
17 Hall."

18 A. Could you repeat the question?

19 Q. Is that a wedding in that photo?

20 A. Yes, sir.

21 Q. And that is a wedding that was staged at Legacy
22 Hall?

23 A. Yes, sir.

24 (Exhibit 60 marked.)

25 Q. (BY MR. STEINBAUGH) I'm going to mark this as

1 Exhibit 60. Are you familiar with this?

2 A. Yes, sir.

3 Q. What is this?

4 A. Speaking of the picture?

5 Q. Not the picture. The website itself or the
6 document.

7 A. Oh, no, sir.

8 Q. Are you familiar with theknot.com website?

9 A. No, sir.

10 Q. Do you know whether or not the university
11 promotes the availability of Legacy Hall on websites for
12 advertising wedding locations?

13 A. No, sir.

14 Q. Okay. That photo, is that Legacy Hall?

15 A. No, sir.

16 Q. Is that another space at West Texas A&M?

17 A. Yes, sir. It's the chapel.

18 Q. Okay.

19 (Exhibit 61 marked.)

20 Q. (BY MR. STEINBAUGH) I'll mark this as Exhibit
21 61. Take a look at this, and let me know if you're
22 familiar with it.

23 A. I'm familiar with the screenshots, yes, sir.

24 Q. And what is this?

25 A. This is information that a client would fill

1 out in 25 Live.

2 Q. So this is the registration process to register
3 for Legacy Hall?

4 A. Yes, sir.

5 Q. On Pages 4, 5 and 6, there's a drop-down menu
6 showing all of the options on it.

7 Is that accurate?

8 A. Yes, sir.

9 Q. And from this list, I want to go through some
10 of these and get a "yes" or "no" response as to whether
11 or not these are the types of events a student
12 organization or members of the public could hold in
13 Legacy Hall.

14 So a ceremony?

15 A. Yes, sir.

16 Q. A meeting?

17 A. Yes, sir.

18 Q. A social/reception?

19 A. Yes, sir.

20 Q. Advertising?

21 A. Yes, sir.

22 Q. A banquet?

23 A. Yes, sir.

24 Q. An exhibit or fair?

25 A. Yes, sir.

1 Q. A performance?

2 A. Yes, sir.

3 Q. A presentation?

4 A. Yes, sir.

5 Q. A seminar or conference?

6 A. Yes, sir.

7 Q. That's the end of the list. You can set that
8 one aside.

9 (Exhibit 62 marked.)

10 Q. (BY MR. STEINBAUGH) I'll mark as Exhibit 62 a
11 document entitled "Jack B. Kelley Student Center West
12 Texas A&M University Procedures and Guidelines, Revised
13 March 5th, 2025."

14 Are you familiar with this?

15 A. Yes, sir.

16 Q. We are going to return to this document a
17 couple of times, so we'll keep hold of that one.

18 What is this document?

19 A. This is the procedures and guidelines for use
20 of the Jack B. Kelley. It serves as a tool for the Jack
21 B. Kelley workers as a resource.

22 Q. Is this the current version of this policy?

23 A. As far as I know.

24 Q. Do you know whether this is the version on the
25 university's website?

1 A. That, I do not know.

2 Q. So this is a policy governing the JBK.

3 Do you know who developed this policy?

4 A. The JBK staff and the advisory committee.

5 Q. And we reviewed earlier the university's
6 Expressive Activities Policy that was adopted this year.

7 Is this policy subordinate to the
8 Expressive Activities Policy, meaning if there's a
9 conflict between the two, does the Expressive Activities
10 Policy win out, if that makes sense?

11 MR. BRYANT: Objection; calls for
12 speculation.

13 If you know, you can answer.

14 A. I can't answer.

15 Q. (BY MR. STEINBAUGH) Okay. If you turn to Page
16 3, at the bottom under "Funding," it says, "The JBK
17 Student Center funds its maintenance and operations
18 entirely through the university center fee."

19 Is that also described as the "complex
20 fee?"

21 A. Yes, sir.

22 Q. Do you know whether the university center fee
23 is part of the student services fee?

24 A. No, sir.

25 Q. It is not?

1 A. No, sir.

2 Q. What is the difference between them, if you
3 know?

4 A. The student service fee funds student
5 activities and departments. The university center fee
6 is specific to funding the Jack B. Kelley and other
7 venues of that nature.

8 Q. And the complex fee or the university center
9 fee, how is that calculated or charged to a student?

10 A. That I do not know.

11 Q. Do you know whether or not it's based on the
12 credit hour?

13 A. I do not know.

14 Q. Okay. Do you know whether the university
15 center fee is waived for any class of students? Is
16 there any group of students that don't have to pay that?

17 A. That, I do not know.

18 Q. On Page 4, you'll see in the last two
19 paragraphs there -- and we'll start with the first
20 one -- it says, "The JBK Student Center staff reserves
21 the right to deny space usage for any group or event
22 that is programmatically or operationally impractical to
23 accommodate or that conflicts with the university's
24 mission or policies."

25 Setting aside the "policies" part, are

1 there any particular criteria for determining when an
2 event conflicts with the university's mission?

3 A. In my experience, I cannot point to one.

4 Q. So there's no list somewhere saying, "A, B, and
5 C, if you violate these, you violate the university's
6 mission?"

7 A. Not that I'm aware of.

8 Q. Can you recall any events that were canceled
9 because they conflicted specifically with the
10 university's mission?

11 A. No, sir.

12 Q. The next paragraph says, "The JBK Student
13 Center reserves the right to cancel or interrupt any
14 event in the interest of public safety, noncompliance
15 with university policies, or if the event can be viewed
16 as inappropriate."

17 With respect to the 2023 and 2024 drag
18 shows, was there any concern that it would be contrary
19 to public safety?

20 A. The risk assessment process revealed that there
21 could be particular people opposed to the event; and
22 therefore, the university police department requested to
23 have two officers.

24 Q. But that was a risk that could be mitigated by
25 having police there?

1 A. Yes.

2 Q. And the people that are opposed to an event
3 like this are exercising their own First Amendment
4 rights?

5 A. Yes, sir.

6 Q. Is there any university policy that identifies
7 what could be viewed as inappropriate?

8 A. I do not know.

9 Q. Do you know if there are criteria for whether
10 or not an event might be viewed as inappropriate?

11 A. No, sir.

12 Q. Can you recall any events that were canceled
13 specifically because they might be viewed as
14 inappropriate?

15 MR. BRYANT: Is this limited to Legacy Hall
16 or anywhere on campus?

17 MR. STEINBAUGH: Anywhere in the JBK,
18 because this is the policy referring to it.

19 MR. BRYANT: Okay.

20 A. Outside of the two drag shows in question?

21 Q. (BY MR. STEINBAUGH) Correct.

22 A. Within the JBK specifically?

23 Q. Right.

24 A. Not to my knowledge.

25 Q. On Page 8, you'll see the section entitled

1 "Prohibited Events?"

2 A. Yes, sir.

3 Q. Are you familiar with this Texas A&M University
4 System board of regents resolution that it's referring
5 to here?

6 A. Yes, sir.

7 Q. And this policy states that because of that
8 resolution, "drag show events are prohibited at special-
9 event venues on the campus of West Texas A&M
10 University?"

11 A. Yes, sir.

12 Q. Does that include Legacy Hall?

13 A. Yes, sir.

14 Q. Are you aware that a federal district court has
15 issued an order prohibiting the A&M System employees
16 from enforcing that resolution?

17 A. No, sir.

18 Q. Do you know whether or not there are plans to
19 remove this policy from this document?

20 A. No, sir.

21 Q. Have you heard any discussion about removing
22 this policy from this document aside from discussion
23 with lawyers?

24 A. No, sir.

25 Q. As far as you're aware, is this policy being

1 enforced by the university?

2 A. Yes, sir, as far as I'm aware.

3 Q. I want to go to Page 10. You'll see where it
4 says, "Smaller sound systems are available for use.
5 Sound levels of events in the JBK may not disrupt
6 regular business operations and must remain at a level
7 appropriate for the facility."

8 Do you see that?

9 A. Yes, sir.

10 Q. How do you do that?

11 A. The JBK is wired for sound through the commons
12 area, and we maintain the volume level so that students
13 can enjoy being together, having conversations,
14 socializing, and if students are studying in quiet
15 areas, that sound system does not disrupt their study
16 habits.

17 Q. Was there any concern with respect to any of
18 the drag shows plaintiff proposed in 2023 or 2024, that
19 sound might disrupt business operations or educational
20 opportunities or activities?

21 A. No, sir.

22 Q. If we go to Page 12, it says "Reservable Indoor
23 Spaces" at the top. I want to confirm that Legacy Hall
24 is a reservable space on that list. Is it?

25 A. Yes, sir.

1 Q. I want to go down towards the bottom.

2 It says, "In the JBK, classes may be
3 scheduled on a one-time basis during each semester.
4 Classes will not be allowed to use the JBK on a regular
5 basis."

6 Is that accurate?

7 A. Yes, sir.

8 Q. Why?

9 A. The space is designated primarily for student
10 use, and then department classroom is secondary.

11 Q. Going back to the top, are you aware of any
12 plans to change or alter the availability of Legacy Hall
13 as a space students can reserve?

14 A. No, sir.

15 Q. Okay. So we have the JBK, which is set up to
16 allow or to facilitate social and entertainment events
17 for students and for the campus community and the
18 broader community.

19 Is that accurate?

20 A. Yes, sir.

21 Q. Is it fair to say that the use of Legacy Hall
22 for expressive events is the normal operation of the
23 university?

24 MR. BRYANT: Objection; vague.

25 Q. (BY MR. STEINBAUGH) You can answer.

1 Q. Do you know if anyone would be checking IDs?

2 A. Yes.

3 Q. Do you know who that would be? Is there a
4 designated person doing that?

5 A. Yes.

6 Q. Would it be JBK staff doing that?

7 A. It could be.

8 Q. Does the university ever restrict access to
9 events based on age because of the availability of
10 alcohol, so they'll say, you know, "This is a 21-up
11 event?"

12 A. Could you expound further on "restricting
13 access to events?"

14 Q. Let's say we assume that there are spaces that
15 people are reserving on campus. Does the university
16 ever say, "This space can only be accessed by people
17 above the age of 21 because we're serving alcohol here?"
18 And I'm referring specifically to the JBK. I know your
19 knowledge may not go outside of that.

20 A. No, sir.

21 Q. Does the university ever restrict access to
22 other events in the JBK based on age, meaning people
23 under a particular age are not permitted in that event?

24 A. Not to my knowledge.

25 Q. Does the university limit student organizations

1 Q. They are?

2 A. Yes, sir.

3 Q. I think you mentioned earlier -- correct me if
4 I'm mischaracterizing you at all -- that Legacy Hall is
5 a community resource because there are not that many
6 resources or venues that other people could use, so they
7 come to Legacy Hall from outside the community to be
8 able to use that space?

9 A. Yes, sir.

10 Q. Do you know whether or not there are spaces
11 comparable to Legacy Hall in Canyon?

12 A. There are now.

13 Q. When you say "now," what does that mean?

14 A. Many event venue spaces have developed in the
15 last couple of years.

16 Q. Can you name some of those?

17 A. The new facility right next to the campus, the
18 Lumberyard.

19 Q. What is the Lumberyard?

20 A. It's a multi-purpose facility that holds
21 outdoor concerts, and they have a large space that
22 groups and other event venues could use that seem to
23 have become popular in the last couple of years.

24 Q. Do you know what they charge for use of that
25 space?

1 A. I could not tell you a price. The JBK does a
2 market analysis to make sure that their pricing is
3 within or less than competitive spaces.

4 Q. But a student organization would pay more at
5 the Lumberyard than for Legacy Hall?

6 A. I can't answer that.

7 Q. But if a student organization is paying nothing
8 for Legacy Hall, and they're paying something for
9 Lumberyard, that's more?

10 A. Yes, sir.

11 Q. I want to go to Page 17. Do you see that it
12 says in the second paragraph, "Providing space for an
13 event or marketing of an event does not necessarily
14 imply university endorsement or sponsorship of a
15 product, issue, or idea?"

16 A. Yes, sir.

17 Q. Is it fair to say that that reflects the
18 university's policy that holding events or expressive
19 events in Legacy Hall doesn't mean that the university
20 endorses the content of those events?

21 MR. BRYANT: Objection; the document speaks
22 for itself.

23 A. Yes.

24 (Exhibit 63 marked.)

25 Q. (BY MR. STEINBAUGH) I want to mark as Exhibit

1 organizations at the university, is that an accurate
2 statement?

3 A. Yes, sir.

4 Q. Do you have any involvement in the funding of
5 student organizations or managing their bank accounts at
6 all?

7 A. No, sir.

8 Q. I want to go to Page 15. You see the section
9 "Risk Management?"

10 A. Yes, sir.

11 Q. Can you describe the risk management process
12 and its purpose?

13 A. Yes, sir.

14 MR. BRYANT: Is this risk management as
15 used in this document? We've also talked about the risk
16 management or assessment process in connection with
17 Legacy Hall and JBK. What are we asking about here?

18 MR. STEINBAUGH: With Legacy Hall and the
19 process of reserving Legacy Hall by student
20 organizations. I don't mean risk management like --

21 MR. BRYANT: Organizational risk
22 management?

23 MR. STEINBAUGH: Not organization or
24 dealing with traffic somewhere on campus.

25 A. So would you be speaking about a particular

1 reservation that's made and the risk management
2 associated with it?

3 Q. (BY MR. STEINBAUGH) Yeah.

4 A. Okay. Yes, sir.

5 Q. Can you describe that process and its purpose?

6 A. The purpose is to ensure that the reserving
7 party and the university are mitigating risk to the
8 greatest extent and providing if insurance is needed.
9 There are multiple people that are involved in the risk
10 review process.

11 For instance, the Risk Office will review
12 for if this is an event that would potentially need
13 additional insurance or a participation waiver.
14 Fire and Life Safety would review to make sure that
15 there's nothing that's violating state fire code.

16 Q. In your role at the JBK, were you often
17 involved in the risk management process?

18 A. I facilitated the risk management process.

19 Q. So you're familiar with how that office works?

20 A. Yes, sir.

21 Q. And you're familiar with kind of its goals and
22 purposes?

23 A. I'm familiar with the process of risk
24 management as it pertains to a reservation.

25 Q. Is it fair to say that that process is

1 iterative, meaning you go back and forth with students
2 to identify risks and try to mitigate those?

3 A. Yes.

4 Q. Is it fair to say also that risks can only be
5 mitigated; they can't be eliminated in most cases or in
6 some cases?

7 A. Yes, sir.

8 Q. If you look on this list here, one of the risks
9 they identify is "Physical: Prevent injuries and ensure
10 food, alcohol, and venue safety."

11 Were there any concerns with the 2023 or
12 2024 shows, that there would be a risk of injuries?

13 A. The client identified a risk involving dance.

14 Q. And that's sort of a typical risk for dancing
15 on stage?

16 A. Yes, sir.

17 Q. And there are dances on stage at Legacy Hall?

18 A. Yes, sir.

19 Q. It also says it looks at the reputational risk.
20 It says, "Avoid actions that may harm the image of your
21 organization or the university."

22 A. Yes, sir.

23 Q. Is the image of the university more important
24 than a student's First Amendment rights?

25 A. I can't answer that.

1 Q. Do you watch the news a lot?

2 A. No, sir.

3 Q. That's a wise idea.

4 Do you know whether or not universities
5 that limit or censure speech are popular with the
6 American public?

7 MR. BRYANT: Objection; vague, speculative.

8 A. I can't answer that question.

9 Q. (BY MR. STEINBAUGH) Do you know whether or not
10 campus free speech is an important issue with the
11 American public?

12 A. Again, I can't answer that question.

13 Q. Are you aware of any student events that may
14 have been canceled or denied by the university because
15 it might hurt the image of the university?

16 A. I have no knowledge.

17 Q. I want to go down to the emotional risk here.
18 It says, "Consider how events may affect the mental
19 well-being of attendees."

20 A. Yes, sir.

21 Q. Was there ever a concern that Spectrum's events
22 would hurt the mental well-being of attendees?

23 A. The client identified a potential risk of
24 embarrassment.

25 Q. Other than that, was there any concern?

1 A. Yes, sir.

2 Q. And those primarily serve students at the
3 university?

4 A. Yes, sir.

5 Q. There are a number of events at Legacy Hall and
6 other JBK facilities that are worship events.

7 Is that accurate?

8 A. There are some.

9 Q. Do you know whether or not the worship center
10 or the facility adjacent to the university is called
11 "the Wesley?"

12 A. "The Wesley," yes, sir.

13 Q. Okay. Are you familiar with an event called
14 "University Sing?"

15 A. Yes, sir.

16 Q. What is University Sing?

17 A. University Sing has been a competition among
18 fraternities and sororities, most recently involving
19 student orgs. A theme is generally chosen.

20 In 2024, the theme was Disney musicals.
21 Student orgs can register, and they will choose a scene
22 usually involving a skit, maybe a song that they will
23 lip-sync, and they will compete in front of an audience
24 and judges. I don't believe there's a prize, but it's
25 just a competition.

1 Q. Have you attended those before?

2 A. Not since 2006.

3 Q. Okay. Do you remember what the theme was for
4 that one?

5 A. I have no idea. Legacy wasn't even in
6 existence then.

7 Q. When was Legacy built?

8 A. It opened December of 2012, I believe.

9 MR. STEINBAUGH: I want to show you a
10 video. This was produced at SPECTRUM 0003004, and I
11 will mark this video as Exhibit 64. It's a short video.

12 (Exhibit 64 marked.)

13 Q. (BY MR. STEINBAUGH) Are you able to see that?

14 A. Yes, sir.

15 (Video plays.)

16 Q. (BY MR. STEINBAUGH) Do you know if the JBK
17 produced that video?

18 A. I do not know.

19 Q. Is that video an accurate representation of
20 what University Sing is?

21 A. Yes.

22 Q. Do you know how long this event has been held,
23 just as a ballpark?

24 A. It was postponed during COVID, and I'm not sure
25 how long of a break, but I know it was brought back in

1 2024.

2 Q. Okay. But if the university has held this
3 repeatedly, is it safe to assume that Legacy Hall is
4 compatible with this type of use?

5 A. Yes, sir.

6 (Exhibit 65 marked.)

7 Q. (BY MR. STEINBAUGH) I'm going to mark as
8 Exhibit 65 the First Amended Complaint.

9 Have you ever been sued before?

10 A. No, sir.

11 Q. Are you familiar with what a Complaint and
12 Answer are? Totally fine if you're not.

13 A. No, sir.

14 Q. So as a general overview, what happens in a
15 lawsuit is the plaintiff, the person suing, will file
16 the First Amended Complaint, and then the person who is
17 the defendant will sometimes have to file what's called
18 an Answer.

19 In the Answer, they will say, "Yes, I admit
20 this," or "No, I deny this, and you need to prove this
21 particular allegation?"

22 Exhibit 66 marked.)

23 Q. (BY MR. STEINBAUGH) I also want to mark as
24 Exhibit 66 the Answer of Walter Wendler. As part of
25 this process, when we filed the lawsuit against

1 Q. Are you familiar with the show "As You Like
2 It"?

3 A. No, sir.

4 Q. I'm not either.

5 If a student theater troupe, one that is
6 disconnected from any faculty members and just composed
7 of students -- maybe they have a faculty advisor, but
8 it's not put on by the theater department -- if that
9 troupe asked to use Legacy Hall to stage Shakespeare's
10 "As You Like It," would the university permit that?

11 Is that an acceptable use of Legacy Hall?

12 A. Yes.

13 Q. Are you familiar with the theatrical tradition
14 of adapting Shakespeare plays to a new context, like
15 having "Romeo and Juliet" take place in a different
16 country or in the future?

17 A. No, sir.

18 (Exhibit 70 marked.)

19 Q. (BY MR. STEINBAUGH) I'll mark as Exhibit 70
20 SPECTRUM 0003011. This is an Executive Order issued by
21 President Trump.

22 Are you familiar with this Executive Order
23 at all?

24 A. No, sir.

25 Q. You'll see, towards the bottom of the second

1 page in Subsection G, it says, "Federal funds shall not
2 be used to promote gender ideology. Each agency shall
3 assess grant conditions and grantee preferences and
4 ensure grant funds do not promote gender ideology."

5 Do you see that?

6 A. Yes, sir.

7 Q. Is West Texas A&M University an agency of the
8 federal government? It's okay if you don't know.

9 A. I don't know.

10 Q. Is it an agency of the state government?

11 A. Yes, sir.

12 Q. Do you know whether or not this policy limits
13 student expression at West Texas A&M University?

14 A. No, sir.

15 Q. Nobody has ever suggested that this Executive
16 Order limits student expression?

17 MR. BRYANT: You mean nobody has ever
18 suggested to the witness?

19 MR. STEINBAUGH: Correct, excluding any
20 lawyers.

21 A. No, sir.

22 Q. (BY MR. STEINBAUGH) Are you familiar with an
23 Event called "The Jingle and Mingle" or "the Jingle
24 Mingle?"

25 A. Yes, sir.

1 Q. Do you know who organized that?

2 A. City of Canyon.

3 Q. What was that event?

4 A. I have no knowledge.

5 Q. Do you know if it was held in 2022 or 2023?

6 Were there two iterations of that?

7 A. Yes, sir.

8 Q. In 2022 and 2023?

9 A. I believe so.

10 Q. Were you present at either of the Jingle
11 Mingles?

12 A. No, sir.

13 Q. Are you aware of any complaints or policy
14 violations involving either of the Jingle Mingles?

15 A. No, sir.

16 (Exhibit 71 marked.)

17 MR. STEINBAUGH: I want to mark as Exhibit
18 71 a video. This was produced at SPECTRUM 0002282.

19 Q. (BY MR. STEINBAUGH) Are you able to see that?

20 A. Yes, sir.

21 (Video plays.)

22 Q. (BY MR. STEINBAUGH) Does that appear to be
23 Legacy Hall?

24 A. Yes, sir.

25 Q. Are you familiar with an event involving a

1 A. I can't speak to the reason for its
2 cancellation.

3 Q. Do you know if Christopher Thomas was involved
4 in that cancellation?

5 A. That, I do not know.

6 Q. Do you know who made the decision to cancel it?

7 A. No, sir.

8 Q. Do you know whether or not the university
9 issued a statement about the cancellation?

10 A. I don't recall.

11 Q. I want to go back through some of the events
12 that have previously occurred or could occur in Legacy
13 Hall. I just want to get a yes or no answer about
14 whether or not this event could be held in Legacy Hall.

15 MR. BRYANT: Whether it could be held?

16 MR. STEINBAUGH: Yeah. I'll rephrase it.

17 Q. (BY MR. STEINBAUGH) So I want to get a yes or
18 no about whether or not it would be acceptable under JBK
19 policies and whether or not Legacy Hall is suitable for
20 this type of event.

21 Does that make sense?

22 A. Yes, sir.

23 Q. Wedding ceremonies?

24 A. Yes, sir.

25 Q. Wedding receptions?

1 A. Yes, sir.

2 Q. Meetings?

3 A. Yes, sir.

4 Q. Socials?

5 A. Describe.

6 Q. That was one of the types of events that was

7 listed on the 25 Live.

8 A. Yes, sir.

9 Q. So yes?

10 A. Yes, sir.

11 Q. Banquets?

12 A. Yes, sir.

13 Q. Performances?

14 A. Yes, sir.

15 Q. Presentations?

16 A. Yes, sir.

17 Q. Seminars?

18 A. Yes, sir.

19 Q. Conferences?

20 A. Yes, sir.

21 Q. Holiday parties?

22 A. Yes, sir.

23 Q. Movie screenings?

24 A. Yes, sir.

25 Q. Dances?

1 A. Yes, sir.

2 Q. Dance-off competitions?

3 A. Yes, sir.

4 Q. Fashion shows?

5 A. Yes, sir.

6 Q. Talent shows?

7 A. Yes, sir.

8 Q. Male beauty pageants?

9 A. Yes, sir.

10 Q. Female beauty pageants?

11 A. Yes, sir.

12 Q. Press conferences?

13 A. Yes, sir.

14 Q. Worship services?

15 A. Yes, sir.

16 Q. Concerts?

17 A. Yes, sir.

18 Q. Rock concerts?

19 A. Yes, sir.

20 Q. Christian music concerts?

21 A. Yes, sir.

22 Q. Opera music concerts?

23 A. Yes, sir.

24 Q. Rap music concerts?

25 A. Yes, sir.

1 Q. Country music concerts?

2 A. Yes, sir.

3 Q. Magicians?

4 A. Yes, sir.

5 Q. Hypnotists?

6 A. Yes, sir.

7 Q. Fundraisers?

8 A. Yes, sir.

9 Q. Political candidates?

10 A. Yes, sir.

11 (Exhibit 75 marked.)

12 Q. (BY MR. STEINBAUGH) I'll mark this as Exhibit
13 75. It's a long email chain, so take your time to look
14 through it, and once you're done reading it, let me
15 know.

16 A. Yes, sir.

17 Q. Does this refresh your recollection about
18 whether or not Christopher Thomas was involved in
19 discussions about canceling this concert?

20 A. Yes, sir.

21 Q. Does this refresh your recollection about
22 whether or not the university issued -- if you'll look
23 at the first page -- a statement along the lines of "the
24 vice president denied this event due to the risk
25 associated with it?"

1 had the most knowledge.

2 Q. (BY MR. STEINBAUGH) Look at the last page of
3 the exhibit.

4 A. Yes, sir.

5 Q. In the very middle is a chat from you on April
6 23rd at 8:16 p.m.

7 Is that right?

8 A. Yes.

9 Q. You say, "Frustrating at times."

10 What did you mean by that?

11 A. Chari had never been involved in anything like
12 this before, and she was feeling stressed.

13 MR. STEINBAUGH: Do we want to take a break
14 for lunch?

15 MR. BRYANT: Let's go off the record.

16 (Recess 11:41 a.m. to 12:29 p.m.)

17 Q. (BY MR. STEINBAUGH) All right. We are getting
18 there. Not too much longer. I appreciate your patience
19 in being here with us today.

20 I want to talk about the drag show that
21 Spectrum WT proposed to be held in March of 2023.

22 Do you recall that?

23 A. Yes, sir.

24 Q. And before we get to that, I want to talk
25 about, in general, the steps that are required for a

1 student organization to register and hold an event in
2 Legacy Hall.

3 As I understand it, there are five broad
4 steps to doing so. Number 1 is submitting an online
5 reservation request through the 25 Live website.

6 Is that correct?

7 A. Yes, sir.

8 Q. Number 2 is completing and submitting a risk
9 assessment?

10 A. Yes, sir.

11 Q. Number 3 is reviewing the marketing to ensure
12 it aligns with the marketing requirements for student
13 organizations?

14 A. Yes, sir.

15 Q. Number 4 is completing and submitting the
16 catering exemption form if you're serving food?

17 A. Yes, sir.

18 Q. And Number 5 is receiving event confirmation
19 from the JBK Event Services Team?

20 A. Yes, sir.

21 Q. Are there any other significant or major steps
22 that I'm missing there that a student organization would
23 have to go through?

24 A. They would be subsidiary steps, such as if you
25 need liability insurance, or sometimes there may be a

1 request of -- for example, if a student org is having a
2 Pie In the Face Fundraiser, you need to ensure that
3 participant waivers are signed, and everyone wears a
4 goggle, but they're all part of those particular areas.

5 Q. With respect to the 2023 proposed drag show,
6 did Spectrum WT satisfy all of those steps?

7 A. Yes, sir.

8 Q. So they had received confirmation for holding
9 the event?

10 A. I do not recall if it was moved from tentative
11 to confirmed. I don't know where in the timeline the
12 cancellation of the event occurred in relationship to
13 moving it from tentative to confirmed.

14 Q. Were there any steps that they would have had
15 to take in order to move it from tentative to confirmed?

16 A. No, sir.

17 Q. So essentially, moving it from tentative to
18 confirmed was purely ministerial in that it was someone
19 on the JBK Team that would have to click a button or
20 something?

21 A. Yes, sir. To the best of my knowledge, the
22 last thing remaining was proof of liability insurance.
23 That can actually happen up until the day of the event.
24 That insurance is a three to five-minute process to
25 secure, so sometimes that is the last thing that will

1 happen.

2 Q. Okay. And there's no question that the
3 students would have been able to get that?

4 A. No, sir.

5 Q. When did you first hear about the proposed drag
6 show in 2023?

7 A. When the reservation itself was made, best of
8 my recollection, late December, early January.

9 Q. That reminds me. During the break, your
10 counsel asked me to give you an opportunity to address a
11 mistake in one of the dates, I guess, about employment
12 or something like that?

13 A. Not employment. I was reassigned to
14 Residential Living October of 2023, and I believe I said
15 "October of 2024."

16 Q. Okay. I appreciate that. Thank you.
17 When did you first hear about the proposed
18 drag show?

19 A. When the original reservation came in.

20 Q. And that's how you first heard about it?

21 A. Yes, sir.

22 Q. Would that have been the risk assessment
23 itself, or did it come later?

24 A. The risk assessment came after the reservation.

25 Q. Okay. When you received the reservation, what

1 did you do with it?

2 A. It was being processed by the JBK Event
3 Services Team as any other reservation.

4 Q. But you read that reservation request?

5 A. I don't remember if I actually read the
6 reservation.

7 Q. Do you recall whether that reservation request
8 referenced it being a drag show?

9 A. Yes.

10 Q. So at the moment the reservation request was
11 made, the university understood that this was a drag
12 show that was being proposed?

13 A. Yes.

14 (Exhibit 77 marked.)

15 Q. (BY MR. STEINBAUGH) I'll mark as Exhibit 77 a
16 redacted document stamped SPECTRUM 0000762.

17 Let me know when you've had a chance to
18 read through this.

19 A. Yes, sir.

20 Q. Are you familiar with this document?

21 A. Yes, sir.

22 Q. I want to start towards the end where it's
23 stamped 768 at the bottom.

24 A. Yes, sir.

25 Q. Do you see where it says "Response Summary" and

1 the text that follows over the next two pages?

2 A. Yes, sir.

3 Q. What is that?

4 A. Are you referring to the description of the
5 event or the entire paragraph?

6 Q. What kind of document or email is it? Is this
7 something you get for a lot of events?

8 A. Every risk assessment is identical.

9 Q. So this is the risk assessment that the
10 students submitted?

11 A. Yes, sir.

12 Q. And starting at the bottom of 768, part of the
13 Description of Event says, "A student drag show with
14 dancing on stage and performances by students. The
15 performers will perform a song while in drag."

16 Is that correct?

17 A. Yes, sir.

18 Q. Is that your understanding of what the show was
19 going to be?

20 A. Yes, sir.

21 Q. And is that the type of activity that Legacy
22 Hall is capable of facilitating?

23 A. Yes, sir.

24 Q. You see it says here twice that "it will be a
25 student drag show with performances by students."

1 Was there an indication at this time that
2 anyone other than a student would be involved in this
3 event?

4 A. As a participant?

5 Q. Yes.

6 A. No.

7 Q. Any indication that anyone other than a student
8 would be on stage for this event?

9 A. No.

10 Q. I want to look at the first four pages in the
11 exhibit that are redacted. Do you have any recollection
12 of who this communication might have been with?

13 And I know I'm asking you to look beyond
14 redacted text.

15 A. Yes, sir.

16 Q. Do you know who it might have been?

17 A. It's the same people every time.

18 Q. Okay.

19 A. I may have the blocks out of order, but I know
20 the first block is Richard Smith. There's a space for
21 Fire and Life Safety. There's a space for myself.
22 There's a space for, at this time, Kimberly Cornelsen,
23 who was over Office of Student Engagement and
24 Leadership. Her role was to verify they were a
25 registered org.

1 Q. Are you aware of a drag performer who goes by
2 the stage name "Myss Myka?"

3 A. No, sir.

4 Q. You've never heard that name before?

5 A. No, sir.

6 (Exhibit 78 marked.)

7 Q. (BY MR. STEINBAUGH) I'm going to mark as
8 Exhibit 78 what is stamped SPECTRUM 0000776.

9 Are you familiar with this?

10 A. I'm familiar with the document. I don't recall
11 the specific contents of the document.

12 Q. Okay. Have you seen this risk assessment
13 before?

14 A. Yes.

15 Q. This is the risk assessment that the students
16 submitted or the matrix the students submitted in
17 connection with the 2023 drag show?

18 A. Yes, sir.

19 Q. Do you see on this first table here, with the
20 "List of Activities to Occur and Associated Risks," that
21 next to "drag race," it says "performing in drag
22 (possible bad press)?"

23 A. Yes, sir.

24 Q. Is the possibility of negative media attention
25 one of the risks that the university advises students to

1 report on these forms?

2 A. We don't advise students what to put. They
3 fill it in themselves.

4 Q. Do you see the three boxes on the bottom?

5 A. Yes, sir.

6 Q. Under Severity, Number 2 says, "may result in
7 negative publicity for West Texas A&M University."

8 Is that right?

9 A. It's printed, so yes, sir. To clarify, we
10 don't verbally tell students what to fill in. They open
11 this document and fill it in.

12 Q. Thank you for clarifying. I see how that
13 question was uncertain.

14 So this document, which is a standard form,
15 appraises students that they should report the
16 possibility of negative publicity for the university as
17 a risk?

18 A. Yes, sir.

19 Q. And the "possible bad press" here on that same
20 line, the method to manage that risk was by "not
21 allowing minors without a legal guardian."

22 Is that correct?

23 A. That's what the document says, yes, sir.

24 Q. Were you aware, in 2023, that there were a
25 number of media reports or controversies involving drag

1 Q. And in your opinion, is there?

2 A. Again, I could only refer to comments in the
3 risk assessment.

4 Q. Do those fliers depict any nudity?

5 A. No, sir.

6 Q. Do they depict any sexual conduct?

7 A. No, sir.

8 Q. Do they suggest any nudity?

9 A. No, sir.

10 Q. If you look at the very front page with the
11 redacted information on it, do you see the file names up
12 there?

13 A. Yes, sir.

14 Q. Does that suggest that these were drafts that
15 were being pitched as potential promotional material?

16 A. I don't know.

17 Q. Is it typical for student organizations, in
18 coming up with promotional materials, to send drafts to
19 JBK?

20 A. It's not untypical.

21 Q. And JBK works with student organizations to
22 send designs back and forth?

23 A. Generally, the purpose is to ensure that
24 they've included their logo, pertinent information,
25 co-sponsors, that all logos and any pertinent

1 information to the event are included on the marketing
2 material.

3 Q. I want to turn back to this chat.

4 You said, "It's not much of a fundraiser
5 with an anticipated audience of 100, and after all
6 expenses as Barrett lists them, there is not much left
7 to send to the Trevor Project."

8 What did you mean by that?

9 A. When looking at the projected maximum audience
10 and the expenses that could possibly be incurred, it
11 seemed that their fundraising efforts weren't generating
12 much of a return.

13 Q. What kind of expenses would you be concerned
14 that they were incurring here?

15 A. They were originally providing snacks and
16 drinks free of charge, and knowing the cost of buying
17 snacks and drinks for 100 people, it can be pretty
18 expensive.

19 Q. Is that sort of the logistics that JBK staff
20 can work with student organizations to resolve?

21 A. Oftentimes it would just be brought to their
22 attention; "if this is a fundraiser, have you considered
23 all costs involved?"

24 Q. You then say, "A broader issue is whether or
25 not this event is going to cause more division rather

1 than foster diversity, especially since OSEL is already
2 receiving student concerns."

3 What is OSEL?

4 A. Office of Student Engagement and Leadership.

5 Q. Is that part of the JBK?

6 A. It is now. It's in the building, but it was
7 two separate departments.

8 Q. What did you mean about "student concerns?"

9 A. Kimberly Cornelsen was over Office of Student
10 Engagement and Leadership, and she had expressed that
11 students had found out about the event and were coming
12 to her.

13 That office does a lot of student
14 programming, and quite often, the natural assumption is
15 that that office is responsible for this event, which it
16 was not.

17 Q. And did she characterize the nature of those
18 concerns?

19 A. No, sir.

20 Q. This chat was with Chance Haugen.

21 Is that correct?

22 A. I do not recall who the original email
23 correspondence was with.

24 Q. Other than this chat, do you recall telling
25 anyone about there having been student concerns?

1 A. No.

2 Q. Did you report student concerns to the Title IX
3 office?

4 A. No.

5 Q. And given your concerns, you were involved
6 further with the processing of this event, correct?

7 A. Yes.

8 Q. Would you say that you stayed abreast of the
9 processing of this event any more than other
10 reservations?

11 A. No.

12 Q. Would you say that you were intimately involved
13 in the processing of this event?

14 A. I was communicating with Barrett Bright.

15 Q. Were you the primary conduit of communication
16 with him?

17 A. I believe so.

18 Q. Who was Chance Haugen at this time? What was
19 his role at the JBK?

20 A. He is the assistant vice president, so he was
21 my direct supervisor.

22 Q. He is or was?

23 A. Is.

24 Q. What was he then?

25 A. Assistant vice president.

1 (Exhibit 81 marked.)

2 Q. (BY MR. STEINBAUGH) I'm going to mark this as
3 Exhibit 81. I don't need you to go through the entire
4 document, but I want to start with that first page
5 there.

6 A. Yes, sir.

7 Q. Do you recognize this?

8 A. Yes, sir.

9 Q. What is a "1-2-1?"

10 A. That's our biweekly meeting just touching base.

11 Q. Do you take these notes?

12 A. Yes, these are my notes.

13 Q. And this is a running log of those 1-2-1s with
14 Chance Haugen?

15 A. Yes.

16 Q. And the dates on here, like 10-31-23, that's
17 the date that meeting occurred?

18 A. Yes.

19 Q. Do you take these notes contemporaneously, like
20 are you typing them there, or do you write them down
21 afterwards?

22 A. General practice is I have my laptop, and I
23 record them as we go.

24 Q. Do you have a Bates stamp at the bottom of each
25 page?

1 A. No, sir.

2 Q. If you can go to the 22nd page. We're looking
3 for the date 2-14-23.

4 A. Yes, sir.

5 Q. Are you able to get there?

6 A. Yes, sir, I'm there.

7 Q. Are these your notes from a 1-2-1 meeting with
8 Chance Haugen on February 14th, 2023?

9 A. Yes, sir.

10 Q. Who had you talked to about the proposed drag
11 show by that point? I know you talked to Kimberly
12 Cornelsen.

13 Is that correct?

14 A. Yes, sir.

15 Q. Who else had you talked to?

16 A. The risk assessment had just come through, so I
17 was facilitating comments between those people involved
18 in reviewing the risk assessment. Outside of that and
19 this normal conversation with Chance, nobody that I
20 recall.

21 Q. What do you mean on here by "we have nothing in
22 place to address moral appropriateness?" Was this in
23 response to a complaint or concern?

24 MR. BRYANT: Again, testify from your
25 recollection rather than just from reading the document.

1 A. It was in response to Kimberly Cornelsen's
2 question on marketing.

3 Q. (BY MR. STEINBAUGH) What was her question on
4 marketing?

5 A. "Is it appropriate or suggestive?"

6 Q. Had she seen the three proposals we have
7 previously discussed here?

8 A. I can't answer that definitively.

9 Q. Had you sent her the proposed marketing?

10 A. Not that I recall.

11 Q. If you had sent it to her, would it have been
12 in an email?

13 A. Most likely.

14 Q. Then you say, "It's more than 'free speech.'"
15 What does that mean?

16 A. This particular event was not something anyone
17 in the office at the time had dealt with, so we were
18 working through the comments on the risk assessment,
19 First Amendment, and an event that the people that were
20 currently in the office had never processed, so free
21 speech was one of those among various issues that were
22 being addressed.

23 Q. So was free speech or the First Amendment
24 listed in that redacted document that we had discussed
25 earlier in which the various constituents in the risk

1 assessment had discussed potential risks?

2 A. Yes.

3 Q. It would have been discussed there?

4 A. Yes.

5 Q. So that was an important issue in dealing with
6 the processing of this event?

7 A. The risk assessment process wanted to make sure
8 that right was not violated.

9 Q. What does "campus well-being" refer to, to your
10 recollection?

11 A. That, I don't recall.

12 Q. What about "appropriate dress and behavior,"
13 what does that note refer to, to your recollection?

14 A. We did not have any knowledge at that time of
15 how the participants would be dressed or what the
16 content of the dance would be.

17 Q. Did you later develop that knowledge?

18 A. Yes.

19 Q. And how did you develop that knowledge?

20 A. Conversation with Barrett Bright.

21 Q. And did those conversations with Barrett Bright
22 satisfy your concerns?

23 A. Yes.

24 Q. Did you share what Barrett Bright had told you
25 about the appropriate dress and behavior with anyone

1 A. Chance had asked, if and when the marketing
2 material is altered, to share.

3 Q. Why would it be altered?

4 A. Adding the logos. At the time, there were no
5 identifiers of the group putting on the event, there was
6 no reference to it being a fundraiser, there was no
7 reference to minors being allowed, and so it was a
8 continuous dialogue with Barrett on just making sure
9 everything that needs to be included is included.

10 Q. And is that pretty typical of trying to work
11 with students on putting together materials?

12 A. Yes.

13 Q. Sort of "herding cats?"

14 A. Yes.

15 Q. Okay. Hold on to that document because we're
16 going to wind up coming back to it.

17 A. Okay.

18 (Exhibit 82 marked.)

19 Q. (BY MR. STEINBAUGH) I'll mark this as Exhibit
20 82. Take a few minutes to look through this.

21 A. Yes, sir.

22 Q. Let's start off with the first page and this
23 redacted text. Do you know who this email would have
24 been sent to or from?

25 A. I can't tell you.

1 Q. Going to the next page, is that Bates stamped
2 787 on the bottom?

3 A. Yes, sir.

4 Q. That email in the center there, is that an
5 email you sent?

6 A. Yes, sir.

7 Q. Do you know if that would have been with
8 Barrett Bright?

9 A. To the best of my recollection.

10 Q. Starting at Page 789 and continuing through the
11 end, is that the same risk assessment the students had
12 submitted?

13 A. Yes.

14 Q. On Pages 788 to 789, is that an email that you
15 sent to Bear and to Kristina Drumheller?

16 A. Yes, sir.

17 Q. Who is Kristina Drumheller?

18 A. She is the faculty advisor for Spectrum.

19 Q. You asked a number of different questions of
20 Bear here, and I want to make sure I'm characterizing
21 them correctly.

22 Number 1 says, "Will a club advisor be at
23 event?"

24 You're referring to Kristina Drumheller?

25 A. Yes. Chip Chandler is also -- I'm not sure if

1 he's an advisor, but he was actively involved with the
2 group, but it was primarily Kristina.

3 Q. Do you know Kristina well?

4 A. No.

5 Q. Do you have any reason to doubt her ability to
6 work with the students to facilitate an event?

7 A. No.

8 Q. Number 2, you ask, "Will the event contain
9 material that may need 'warning labels' for minors that
10 may attend (song lyrics, for instance)? We've had this
11 happen before. As an example, sometimes with a
12 comedian, signage will be posted that states that not
13 all material may be appropriate for minors?"

14 Do you recall asking that?

15 A. Yes.

16 Q. Does this refresh your recollection as to
17 whether or not the university uses signage to warn
18 potential visitors about content of events?

19 A. I believe that's placed on the person making
20 the reservation.

21 Q. Is it your understanding that the university
22 has asked other events to post that kind of signage?

23 A. Yes, sir.

24 Q. The third question is: "Are the participants
25 required to get prior approval for their dress and

1 performance prior to the event?"

2 Was that your way of asking about the
3 clothing and performance concerns and addressing those
4 concerns?

5 A. That was in response to a comment in the risk
6 assessment review process.

7 Q. So this was your way of getting more
8 information from Bear to get that assurance?

9 A. Yes.

10 Q. And then if you turn to Page 787 going on to
11 Page 788, does this appear to be a response from Bear,
12 or Barrett, to your email?

13 A. Yes.

14 Q. Is it your understanding that he confirmed that
15 Kristina Drumheller will be present for the event?

16 A. Yes.

17 Q. And he confirmed the event is planned to be
18 PG-13, so he did suggest or take up the suggestion that
19 there be content warnings?

20 A. Yes.

21 Q. And third, that the performers will have to get
22 their song and dress pre-approved?

23 A. Yes.

24 Q. And then jumping back to your email, if you
25 look at 789, at the very top, it asks to "change one of

1 A. I believe so.

2 Q. (BY MR. STEINBAUGH) And you thanked Bear for
3 his responsiveness, correct?

4 A. Yes.

5 Q. Did you perceive Bear as being responsive to
6 inquiries?

7 A. For a full-time student that also worked on
8 campus, yes.

9 Q. Do you have any recollection of who you would
10 have forwarded this to other than a lawyer?

11 A. No.

12 (Exhibit 83 marked.)

13 Q. (BY MR. STEINBAUGH) I'll mark this as Exhibit
14 83. Take a couple minutes to look at this.

15 A. Yes, sir.

16 Q. Do you recognize this document?

17 A. Yes, sir.

18 Q. What is this?

19 A. This was a meeting between myself, Dr. Thomas,
20 and Chance Haugen.

21 Q. Would anyone else have been present for this
22 meeting?

23 A. No.

24 Q. What was this meeting about?

25 A. It was in response to a comment made in the

1 A. Yes.

2 Q. At the top under "Red Flags," there's a bullet
3 point that says, "Why is RHA sponsoring this event?
4 Student orgs? Yes."

5 Do you see that?

6 A. Yes.

7 Q. What is RHA?

8 A. Residence Hall Association.

9 Q. What was the concern with RHA sponsoring this?

10 A. That, I do not know. It was brought up in the
11 risk assessment review.

12 Q. And then there's a bullet point down here:
13 "Who's monitoring/approving performances (if anyone, if
14 needed)?"

15 Do you see that?

16 A. Yes.

17 Q. And the two responses are referring to
18 "approval for music?"

19 A. Yes.

20 Q. It says, "JBK has an approved list of music,
21 and Barrett said they would submit music for approval in
22 advance?"

23 A. Yes. Barrett had sent music that he had
24 reviewed.

25 Q. So this is reflecting that Barrett had provided

1 the list of music?

2 A. Yes.

3 Q. And the university had approved that list of
4 music?

5 A. The risk assessment review does not approve or
6 disapprove, it just reviews the process. But in
7 requesting who was reviewing the music, Barrett said he
8 and another person were. And I do not remember who that
9 other person was, but he had sent our AV technician the
10 music so they could pre-program it for the event so that
11 the program would flow, and there would not be any
12 disconnect.

13 Q. I see. And I understand elsewhere, that JBK
14 has a list of songs that cannot be played.

15 Is that accurate?

16 A. It's not accurate that it's a list of songs.
17 It would just be key words or themes within the music.

18 Q. Who makes that determination?

19 A. That, I can't answer.

20 Q. And within the JBK, is there somebody who
21 researches songs and prints out lyrics or something like
22 that?

23 A. Not that I know of. The general practice would
24 be to put it back on the person making the reservation.
25 In this case, Barrett was very cooperative and seemed to

1 be in complete agreement with that statement.

2 Q. Is there like a published list or set of
3 requirements about what music will or will not be
4 approved?

5 A. Not that I know of.

6 Q. How do they make that determination?

7 MR. BRYANT: I believe he's already
8 answered that question.

9 Q. (BY MR. STEINBAUGH) By listening to the music
10 and reading the lyrics?

11 A. I would say so.

12 Q. So the individual staffer who is listening to
13 the music or reading the lyrics would make a
14 determination about their content?

15 A. Again, it's generally put back on the student
16 making the reservation to make that call.

17 Q. The music that Barrett submitted had been
18 reviewed by the university?

19 A. It had been submitted. That's as far, I
20 believe, as it got in the process.

21 Q. I want to jump down to the next bullet point.
22 "The students have a First Amendment right to have this
23 event."

24 That was the consensus of the risk
25 assessment?

1 A. Yes. This portion contains comments that may
2 have been brought up in the meeting with Dr. Thomas.

3 Q. Okay. There's a line here that says, "If WT
4 does not have a written Expressive Activity Policy, now
5 is the time to develop one."

6 What does that reflect?

7 A. Dr. Thomas was new, and he wasn't familiar
8 with all the policies.

9 Q. I see. Did you know that there was an
10 Expressive Activity Policy at the time?

11 A. Yes.

12 Q. And you told him that there was an Expressive
13 Activity Policy?

14 A. Yes.

15 Q. It says, "Why hasn't the VPSA been brought in
16 sooner?"

17 Was that Chris Thomas?

18 A. Yes.

19 Q. What was the concern there?

20 A. I don't recall.

21 Q. It says, "This event should have gone through
22 WT's Office of DEI."

23 What does that reference?

24 A. At the time, we had an Office of Diversity,
25 Equity, and Inclusion. Part of the risk review was:

1 Has the director of that office been brought into the
2 discussion?

3 Q. Okay. Further down, it says, "The org advisor
4 should be more actively involved, beyond just risk."

5 Is that referring specifically to Kristina
6 Drumheller?

7 A. Yes.

8 Q. Why?

9 A. She had made a comment that she was aware of
10 the event, but was not actively involved in the
11 development of the event.

12 Q. And was that a concern?

13 A. It was brought up in the risk review.

14 Q. And did she become more actively involved in
15 the event?

16 A. Yes.

17 Q. So the concerns would have been satisfied if
18 she was sufficiently active in the event?

19 A. Yes.

20 Q. Turn to the next page.

21 A. Yes, sir.

22 Q. See the bullet point "Possible Fallout from
23 Event?"

24 A. Yes.

25 Q. What does "unwanted publicity" refer to here?

1 A. That was a comment within the risk review.

2 Q. Is that referring to the students' matrix
3 referencing potential publicity, or was this a concern
4 that the university independently identified?

5 A. This was a concern that was brought up by one
6 of the reviewers of the risk.

7 Q. Do you remember who?

8 A. I do not.

9 Q. What was the concern about unwanted publicity?

10 A. I can't answer that question.

11 Q. It says "community responses."

12 What does that refer to?

13 A. I can't answer that.

14 Q. Under "student protests," do you know whether
15 or not there had been indications that students would
16 protest this event?

17 A. I don't recall at this time hearing of any
18 students protesting the event.

19 Q. And then it says "civil unrest."

20 Is that referring to the potential for
21 violence?

22 A. That was a response to the risk review of the
23 number of police officers that may or may not be needed.

24 Q. And then it says, "This event can be an
25 opportunity for student diversity development."

1 A. Yes.

2 Q. And was it sufficient to satisfy any concerns
3 about their marketing?

4 A. Yes.

5 Q. And another step to mitigate risk was signage
6 stating "may not be appropriate for minors under the age
7 of 13."

8 Was that sufficient to satisfy the
9 university's assessment of the risk of minors seeing
10 this?

11 A. That, along with who would verify that a minor
12 was with their guardian or parent.

13 Q. And who would do that?

14 A. Spectrum was going to take that responsibility.

15 Q. And the university trusted them to be able to
16 undertake that responsibility?

17 A. Yes.

18 Q. And is that because Kristina Drumheller and
19 Chip Chandler were participating in the organization of
20 the event?

21 A. Yes. And we would not have a reason not to
22 trust a registered student org.

23 Q. "JBK will have two event managers present."
24 Is that typical?

25 A. It's not untypical for 100 people.

1 Q. It also says, "JBK will be ready with ops crew
2 to add more chairs if needed."

3 Is that an indication that you thought the
4 event might be more popular than the students
5 anticipated?

6 A. That's common practice for us. If the facility
7 will hold more chairs, we always have chairs set aside
8 for more people than they anticipated.

9 Q. Okay. So that list is essentially the
10 resolution of the university's risk assessment and the
11 steps taken to mitigate those risks.

12 Is that correct?

13 A. Up until that day, yes, sir.

14 Q. Is there anything about the days that followed
15 that changed that risk assessment?

16 A. Not that I'm aware of.

17 Q. To your knowledge, do you have any indication
18 of when President Wendler first learned about the drag
19 show?

20 A. I do not. It would have been after this
21 meeting, as far as I know.

22 Q. What makes you think that he would have learned
23 about it for the first time after this discussion?

24 A. This is when I was asked to elevate it to the
25 Executive Committee. If he had heard about it, it would

1 have not been through this process.

2 Q. And that was Randy Rikel who asked you to
3 elevate it?

4 A. No. Richard Smith.

5 Q. Okay. I want to go back to the "1-2-1 With
6 Chance" document.

7 A. Yes, sir.

8 Q. Can you find the 2-28-23 date?

9 A. Yes, sir.

10 Q. Do you see where it says "Fool's Day Drag
11 03-31-23?"

12 A. Yes.

13 Q. Are these notes from a meeting with Chance
14 Haugen on February 28th, 2023?

15 A. Yes.

16 Q. Is this sort of a regular meeting with Chance
17 Haugen about the status of particular events?

18 A. Yes.

19 Q. The first line says, "Barrett is responding as
20 of February 27th about marketing. Colette Ransom doing
21 marketing."

22 Who is Colette Ransom?

23 A. Colette Ransom was a member of Spectrum. I've
24 never met either student personally.

25 Q. You've never met Barrett?

1 A. Not in person that I recall.

2 Q. The next line says, "Kyle Hawbaker, two
3 officers assigned."

4 Did this reflect a further conversation
5 with the chief?

6 A. No. Kyle is the assistant chief of police, and
7 he is on the Risk Review Team. He made a comment that
8 he would assign two officers.

9 Q. So this is you updating Chance about that?

10 A. Yes.

11 Q. I see. Line C says "03-17-2023 - deadline for
12 approval."

13 What does that reference?

14 A. We generally need an event to be completely
15 finalized two weeks in advance so that the JBK Team can
16 make sure they have student workers that they schedule a
17 week at a time. So just to make sure they can schedule
18 sufficient staff, we generally always ask for an event
19 to be finalized two weeks in advance.

20 Q. Line D says, "Chip Chandler becoming more
21 involved and helping steer Barrett and Colette Ransom."

22 Did you ask Chip Chandler to take a more
23 active role?

24 A. I did not. He works in marketing. I believe
25 it was Kristina.

1 Q. Is this a reflection that you trusted Chip
2 Chandler to help advise the students about this event?

3 A. Yes.

4 Q. Line E says "03-14 LGBTQ-plus training
5 mandatory." What does that refer to?

6 A. That was in response to the risk review, that
7 we make sure all students and staff are aware of any
8 particular needs that would arise. We ask the same
9 training of an event we've never held before, and our
10 students are not familiar, so maybe we need training on
11 a particular event.

12 Q. When you talk about students and the training
13 here, is this referring to student employees?

14 A. I don't recall.

15 Q. Was the university asking for training of all
16 students at the university about this?

17 A. I don't recall.

18 Q. Do you know whether or not you took this
19 particular training?

20 A. I really don't recall.

21 Q. I can't remember most of the trainings I've
22 taken.

23 A. Yeah.

24 (Exhibit 84 marked.)

25 Q. (BY MR. STEINBAUGH) I want to mark this as

1 Q. Are you familiar with this?

2 A. Yes, sir, I believe so.

3 Q. Are these notes that you took about a meeting
4 with JBK and OSEL?

5 A. I couldn't tell you if I generated these or if
6 they were generated from OSEL.

7 Q. Would you have been present at this meeting?

8 A. Yes.

9 Q. Do you recall this meeting?

10 A. Not necessarily.

11 Q. You can set that one aside.

12 (Exhibit 86 marked.)

13 Q. (BY MR. STEINBAUGH) I'll mark this document as
14 Exhibit 86. Take a minute to look at this.

15 A. Yes, sir.

16 Q. Do you recognize this thread?

17 A. Yes.

18 Q. What is this?

19 A. This is a correspondence between Evelyn
20 Montoya, who works with Chip Chandler in marketing, and
21 I was included, along with Barrett Bright and Ransom
22 Colette, who were doing the marketing for the event.

23 Q. I want to turn your attention to the second
24 page, the email about two-thirds of the way down at 9:34
25 a.m.

1 Do you see that?

2 A. Yes, sir.

3 Q. You had received what appears to be the final
4 versions of the marketing material for the drag show.

5 Is that correct?

6 A. I can't confirm that it was the final version,
7 but yes, it was revisions to the marketing.

8 Q. But you are informing them that "it looks
9 great?"

10 MR. BRYANT: Objection; the document speaks
11 for itself.

12 Q. (BY MR. STEINBAUGH) Is it fair to say that
13 this is your confirmation that this material is
14 approved?

15 A. I never said "approved," but in my reviewing it
16 as a non-expert in marketing, it looked good.

17 Q. But the university ultimately did approve the
18 marketing material here?

19 A. Yes.

20 Q. Okay. You can set that aside.

21 (Exhibit 87 marked.)

22 Q. (BY MR. STEINBAUGH) I'll mark this as Exhibit
23 87. Let me know when you've had a chance to look at
24 that.

25 A. Yes, sir.

1 Q. What is this?

2 A. This is just correspondence over spring break
3 with Barrett needing a couple things completed and the
4 food exemption if he was not going to use Aramark. He
5 had said that they would send the music, and this is
6 prior to him having sent the playlists.

7 It's just reminding him that we would like
8 to wrap this up two weeks prior to the event, so it was
9 mostly just a reminder because he was on spring break,
10 and it had been a couple weeks since I had heard
11 anything back.

12 Q. Is it fair to say that this is sort of the last
13 couple checkboxes that he needed to have the event moved
14 from tentative to confirmed?

15 A. Yes.

16 Q. All right. You can set that aside.

17 (Exhibit 88 marked.)

18 Q. (BY MR. STEINBAUGH) I'll mark this as Exhibit
19 88. Let me know when you've had a chance to look at
20 that.

21 A. Yes, sir.

22 Q. What is this?

23 A. This is a correspondence after the last run.
24 Barrett had sent songs and performers' names. They were
25 not using real names. They were using pseudonyms.

1 And then part of this is our AV runs some
2 programs better than others. For example, PowerPoint
3 runs better than Canva.

4 Q. What is "RAV"?

5 A. "Our AV."

6 Q. Oh, "our AV."

7 A. Yeah, audiovisual.

8 Q. Okay.

9 A. At that time, Andrew Mangum was over Production
10 Services, and we would encourage students to work with
11 him because he could give good guidance on what programs
12 to use, how to save the music, or if they'd like us to
13 save the music.

14 If they're embedding it into a program,
15 some programs do not embed well, and they cause glitches
16 in the presentation. So if they are going to build
17 that, we always recommend that they talk to our
18 audiovisual technicians on how to build the best
19 presentation.

20 Q. So this is the list of performers and songs
21 that Barrett needed to submit?

22 A. As of that date, yes.

23 Q. And looking at these songs, are there any that
24 jump out to you as inappropriate, if you recognize them?
25 I confess I don't.

1 A. I have no knowledge of any of these songs.

2 Q. But someone would have reviewed these songs?

3 A. Yes, Andrew Mangum.

4 Q. And if there were concerns about them, to your
5 knowledge, he would have raised those concerns?

6 A. Yes.

7 Q. Jumping back to the first page on this
8 document, do you see the email dated 3-20-23 at 9:01
9 a.m.?

10 A. Yes.

11 Q. Is that the same date that Dr. Wendler canceled
12 the show?

13 A. Yes.

14 Q. So just a couple of hours before he canceled
15 the show, Barrett had already submitted the performers'
16 names and list of music?

17 A. Yes, sir.

18 Q. At that point, did you know that the show was
19 going to be canceled?

20 A. No.

21 Q. When did you first learn the show would be
22 canceled?

23 A. I believe when I received the email that the
24 campus received.

25 Q. So you didn't hear it from Dr. Thomas?

1 A. Not that I recall.

2 Q. What was your reaction to it?

3 A. We process thousands of events. It was just
4 another event that didn't make it.

5 Q. When you say "another event that didn't make
6 it," are you familiar with others other than the rap
7 show that Dr. Wendler has canceled?

8 A. No. They could be canceled for any number of
9 reasons; student lack of interest; the organization
10 couldn't make it happen like they thought they could.

11 Q. If Dr. Wendler had not canceled it, the event
12 would have moved forward?

13 A. As far as I know.

14 Q. And just to confirm, despite the risks that
15 were identified in the risk assessment process, those
16 risks were accounted for and substantially mitigated
17 sufficient for JBK to issue a confirmation of the event?

18 A. Yes.

19 Q. I want to move to the 2024 show. When was the
20 first time you heard about the planning of the 2024 drag
21 show?

22 A. When the reservation came through at the end of
23 December, early January.

24 Q. Did you ask Barrett and Marcus Stovall, also
25 known as Lauren Stovall, to submit a risk assessment for

1 that planned performance?

2 A. I do not remember if I asked or if it triggered
3 it. Key words automatically trigger a risk assessment.
4 The computer is programmed to pick up on key words.

5 (Exhibit 89 marked.)

6 Q. (BY MR. STEINBAUGH) I'll mark this as Exhibit
7 89. Do you recognize this document?

8 A. I recognize the document but not necessarily as
9 pertaining to the drag show.

10 Q. Do you recall whether or not the students
11 submitted this risk matrix?

12 A. They would be the only ones I know that would
13 have submitted it. It's usually the person making the
14 reservation that submits this.

15 Q. Do you see down in the corner where it says
16 "DEF 000049?"

17 A. Yes, sir.

18 Q. If the university had it, would this document
19 have come through the JBK? In other words, if a student
20 submitted this document or submitted a risk matrix,
21 would it have gone to the JBK?

22 A. A copy of it would eventually end up at the
23 JBK.

24 Q. To your knowledge, did the students submit a
25 risk assessment matrix or a risk assessment for the 2024

1 show?

2 A. I believe so.

3 Q. Do you have any reason to believe they did not
4 submit a risk assessment for the 2024 show?

5 A. No.

6 (Exhibit 90 marked.)

7 Q. (BY MR. STEINBAUGH) I'll mark this as Exhibit
8 90. Take a few minutes to review this document.

9 A. Yes, sir.

10 Q. Do you recognize this?

11 A. Yes.

12 Q. What is this?

13 A. I can't say it was the initial conversation
14 with Barrett, but it was an early conversation with
15 Barrett in response to submitting the risk assessment
16 and a reminder of some of the early things that they
17 could submit to facilitate the process moving forward.

18 Q. Does this refresh your recollection about
19 whether or not they submitted a risk assessment?

20 A. If I responded with this, they had submitted a
21 risk assessment.

22 Q. Okay. Thank you. You can set that aside.

23 (Exhibit 91 marked.)

24 Q. (BY MR. STEINBAUGH) I'll mark this as Exhibit
25 91. Let me know when you've had a chance to look at

1 this.

2 A. Yes, sir.

3 Q. What is this?

4 A. The original conversation is between Barrett
5 and Evelyn. They had asked for her help in 2024 with
6 the marketing, and she does Student Affairs marketing,
7 so she was corresponding with them back and forth.

8 When they had reached a point that they
9 felt it was good, Barrett forwarded it to me to be
10 reviewed, and he had further questions about using the
11 TVs in the JBK for marketing, how to go about that, and
12 how to pay for the student AVs that would be needed for
13 the event.

14 Q. On the very first page, do you see the email at
15 3:02 p.m.?

16 A. Yes.

17 Q. Is that your confirmation approving the flier
18 that they had designed?

19 A. Yes.

20 Q. You can set that aside.

21 (Exhibit 92 marked.)

22 Q. (BY MR. STEINBAUGH) I'll mark this as Exhibit
23 92. Do you recognize this?

24 A. Yes.

25 Q. Is that the flier you approved?

1 A. Yes.

2 Q. You can set that aside.

3 (Exhibit 93 marked.)

4 Q. (BY MR. STEINBAUGH) I'll mark this as Exhibit
5 93. Let me know when you've had a chance to look at
6 that.

7 A. Yes, sir.

8 Q. Are you familiar with this?

9 A. Yes, sir.

10 Q. What is this?

11 A. This is a confirmation that their event is
12 ready and just confirming the information they had
13 entered. It's common that they reprint that just to
14 make sure that nothing has changed. So it's a final
15 confirmation and the bill or the invoice that would be
16 associated with the event.

17 Q. Did you send this?

18 A. No.

19 Q. But you have no reason to doubt its
20 authenticity?

21 A. No.

22 Q. And on the last page under "Aramark 2-13-24,"
23 what is that?

24 A. That is a catering exemption. Michael Ives is
25 on the risk assessment review only as it pertains to

1 food, and he approved their catering, that they could
2 buy their own stuff.

3 Q. So this 2024 event had cleared the risk
4 assessment process?

5 A. Yes.

6 Q. Is it accurate that the students had submitted
7 a risk assessment form for the 2024 show?

8 A. Yes.

9 Q. And they had cleared the risk assessment
10 process for the 2024 show?

11 A. Yes.

12 Q. They had obtained marketing material from the
13 university or gotten it approved by the university?

14 A. Yes.

15 Q. They had completed and submitted the catering
16 exemption form?

17 A. Yes.

18 Q. When did you first learn that Dr. Wendler was
19 canceling the 2024 show?

20 A. I don't recall.

21 Q. Did you ever talk to Dr. Wendler about the drag
22 shows at all?

23 A. No.

24 Q. Is it your understanding that it was his
25 decision alone to cancel the 2023 and 2024 drag shows?

1 A. Yes.

2 Q. I know that you are no longer the director of
3 the JBK, but have you talked to Chance Haugen about a
4 potential 2026 drag show?

5 A. No.

6 Q. Have you ever talked to him about the potential
7 for future drag shows?

8 A. No.

9 Q. Given your experience as director of JBK, if
10 Spectrum submits or has submitted an application to use
11 Legacy Hall for a drag show, let's say it submits a risk
12 assessment form consistent with the prior two shows,
13 let's say it completes the risk assessment process
14 consistent with the prior two shows, let's say it gets
15 approval of marketing materials just like it has done
16 the previous times, and let's say they also get the
17 catering exemption form.

18 Are you aware of any other reason why JBK
19 would not give them final approval?

20 MR. BRYANT: Objection; calls for
21 speculation, improper hypothetical.

22 A. Referring back to the policies and guidelines
23 of the February 2025 Texas A&M University board of
24 regents' decision not to allow drag shows, that may be
25 the only reason.

1 scheduled drag show that Spectrum wanted to have on, I
2 believe, March 30th or 31st?

3 A. Of 2023?

4 Q. Yes.

5 A. Yes, sir.

6 Q. In the third paragraph of the document, you
7 state, "Generally, all events must have gone through the
8 complete approval process two weeks prior to the event."

9 Had Spectrum gone through the complete
10 approval process as of March 14th, 2023?

11 A. No.

12 Q. Did Spectrum ever go through the complete
13 approval process for the 2023 drag show that they wanted
14 to have?

15 A. To the best of my knowledge, they had submitted
16 everything required.

17 Q. Now, the rest of that sentence that I was
18 reading says, "But we have your event scheduled and
19 approved as tentative as we await your performance
20 verification and music."

21 What is the performance verification that
22 you were referring to and was still outstanding as of
23 March 14th, 2023?

24 A. Barrett Bright had agreed to review the
25 performances to maintain a PG-13 rating because minors

1 were invited, and he had agreed to review the music.

2 Q. Okay. At some date after March 14th, 2023, did
3 Mr. Bright complete the performance verification that's
4 referred to in Exhibit 87?

5 A. I believe he had reviewed what he had up to
6 that date.

7 Q. That's not quite my question. My question is:
8 Do you know whether he completed the performance
9 verification for the proposed drag show, which I would
10 assume means the entire drag show?

11 A. I believe he had completed everything we had
12 asked for.

13 Q. And what causes you to have that belief?

14 A. He had been responsive with everything, and we
15 were at a place to move forward with the event because
16 he had submitted these things, as far as I recall, after
17 this date.

18 Q. What did he submit to JBK or to you with
19 respect to "performance verification" as opposed to
20 music?

21 A. I believe he just made a comment that he had
22 reviewed the performances being brought forward.

23 Q. So basically, his performance verification was
24 just telling you or someone on your staff "yeah, I did
25 it?"

1 A. Yes.

2 Q. Is it correct that the verification of the
3 performances for the 2023 drag show was entirely up to
4 Spectrum?

5 A. Yes, sir.

6 Q. There wasn't any review of that by you or
7 anybody on your staff?

8 A. No. Barrett had agreed to be the one
9 responsible.

10 Q. Did you know that he was a drag performer
11 himself?

12 A. No.

13 Q. And assuming he was, it was a drag performer
14 saying the drag performances were acceptable?

15 A. Could have been, yes.

16 Q. Was it also true that you and your staff took
17 Spectrum's word on the issue of whether or not the
18 performances would be suitable for minors over 13?

19 A. Yes.

20 Q. You didn't do any determination of that
21 yourself, or any verification of any kind?

22 A. No, sir.

23 Q. There was a reference in your testimony to
24 "mandatory LGBTQ-plus training."

25 Do you know who provided or was to provide

1 that mandatory training?

2 A. I do not.

3 Q. Do you have any understanding as to why someone
4 deemed such training mandatory in connection with the
5 proposed drag show in 2023?

6 A. I do not.

7 Q. In your testimony, you mentioned a Richard
8 Smith. What was Richard Smith's role in the first
9 quarter of 2023 at West Texas A&M University?

10 A. He's responsible for risk for the entire
11 university.

12 Q. And therefore, was he involved in the
13 assessment of risk or in evaluating Spectrum's
14 assessment of risk for the proposed 2023 drag show?

15 A. Yes.

16 Q. And as a result of his involvement in the risk
17 assessment for the 2023 drag show, did he request that
18 there be some elevation of assessment of the risk of
19 that event?

20 A. Yes.

21 Q. And what do you recall specifically that
22 Mr. Smith said regarding a need or desire to elevate the
23 risk assessment of the proposed Spectrum 2023 drag show?

24 A. My recollection is his statement was that this
25 needs to be elevated to the Executive Committee.

1 believe you testified that this was from Mr. Bright?

2 A. I believe so, yes, sir.

3 Q. Okay. I'm going to ask you whether I'm
4 following the chain correctly. Looks like there was a
5 response by Mr. Bright to a previous inquiry, and it's
6 numbered 3. He says, "Yes, all performers will have to
7 get their song and dress pre-approved."

8 Do you see that?

9 A. Yes, sir.

10 Q. Is that the same pre-approval by Spectrum or by
11 Mr. Bright as opposed to from any university employees
12 or officials?

13 A. Yes.

14 Q. And if I understand it correctly, this was a
15 response to Number 3 in the email just below it on Page
16 3 of Exhibit 82 that says, "Are the participants
17 required to get prior approval for their dress and
18 performance prior to the event?"

19 A. Yes.

20 Q. Is that the question that Mr. Bright answered
21 by saying, "Yes, all performers will have to get their
22 song and dress pre-approved," meaning approved by
23 Spectrum?

24 A. Yes.

25 Q. But at all times, all the way up to the point

1 at which Dr. Wendler canceled it, no one employed by the
2 university, no university officials, actually had any
3 knowledge of what the performance or dress for the
4 proposed '23 drag show would be except what Mr. Bright
5 told them?

6 A. That's correct.

7 MR. BRYANT: That's all the questions I've
8 got. Thank you very much.

9 THE WITNESS: Yes, sir.

10 MR. STEINBAUGH: Just a couple more
11 questions, Dr. Fouts.

12 RE-EXAMINATION

13 BY MR. STEINBAUGH:

14 Q. With respect to that last question by my friend
15 from the other side, he said that "no one employed by
16 the university, no university officials, had any
17 knowledge about what the performance would entail in
18 terms of clothing or performance."

19 You had testified earlier that you and the
20 university were relying on Chip Chandler and Kristina
21 Drumheller to interact with the students in assessing
22 that performance.

23 Is that correct?

24 A. Yes.

25 Q. Is Chip Chandler a university employee?

1 A. Yes.

2 Q. Is his role in the university to further the
3 university's image and communications?

4 A. I can speak to the communications. Yes.

5 Q. Do you know what his title is?

6 A. I don't know his formal title.

7 Q. That's fine.

8 Kristina Drumheller, you were also relying
9 on her to assess the performance and the clothing and
10 the interaction with the students about the propriety of
11 that performance?

12 A. I was relying on Barrett, and if Kristina and
13 Chip had been involved, then --

14 Q. But to your knowledge, they were involved?

15 A. I believe so, yes.

16 Q. With respect to the question about whether or
17 not Spectrum WT had satisfied the university's
18 requirements in order to perform the 2023 show, do you
19 have any knowledge that Dr. Wendler was informed of any
20 requirements that were left unfulfilled?

21 A. No.

22 Q. With respect to the question about the 2024
23 Buff-A-Whoa Drag Show, there was a little bit of
24 discussion about the name of the event on the
25 confirmation page.

1 MR. BRYANT: Objection; calls for
2 speculation.

3 A. Not necessarily.

4 Q. (BY MR. STEINBAUGH) If there were an error on
5 the number of event attendees, is that something that
6 could be discussed with the students in that interactive
7 process for facilitating the logistics for the event?

8 A. Yes.

9 Q. Are you aware of any event that has been
10 applied for at the JBK or Legacy Hall that was canceled
11 in advance because a university employee thought that it
12 might violate a university policy or rule?

13 A. No.

14 MR. STEINBAUGH: I have no further
15 questions.

16 RE-EXAMINATION

17 BY MR. BRYANT:

18 Q. Dr. Fouts, earlier in the day counsel asked you
19 a long series of questions about a lot of events and
20 asked whether you were aware of complaints about them.

21 Do you recall that question and your
22 testimony?

23 A. Yes.

24 Q. Could you explain what, if any, role you had in
25 fielding or dealing with complaints about events in

1 Legacy Hall when you had any responsibility with respect
2 to Legacy Hall?

3 A. The only complaint that I would have fielded is
4 if it dealt with my staff or student staff.

5 Q. So if somebody had a complaint about what
6 happened in an event, that would not have been a
7 complaint that would have gone to you unless it involved
8 the conduct of your student staff?

9 A. Correct.

10 Q. Also, counsel asked you a bunch of questions
11 today about whether the university approved this or the
12 university approved that.

13 You and your staff at JBK did not comprise
14 all of the university, did you?

15 A. No.

16 Q. In fact, there are officials, including
17 Dr. Thomas and Dr. Wendler, who are also part of the
18 university and have ultimate university approval of
19 basically what goes on at the university and certainly
20 what goes on at Legacy Hall.

21 Is that correct?

22 A. Yes.

23 MR. BRYANT: Pass the witness.

24 THE WITNESS: Thank you.

25 MR. STEINBAUGH: Give me one minute. I'm

CHANGES AND SIGNATURE
ORAL DEPOSITION OF SHAWN FOUTS
DECEMBER 10, 2025

3	PAGE / LINE	CHANGE	REASON
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1 I, SHAWN FOUTS, have read the foregoing
2 deposition and hereby affix my signature that same is
3 true and correct except as noted above.

4
5
6 SHAWN FOUTS

7 THE STATE OF _____)

8 COUNTY OF _____)

9
10 Before me, _____, on this day
11 personally appeared SHAWN FOUTS, known to me (or proved
12 to me under oath or through _____)
13 (description of identity card or other document) to be
14 the person whose name is subscribed to the foregoing
15 instrument and acknowledged to me that they executed the
16 same for the purposes and consideration therein
17 expressed.

18 Given under my hand and seal of office this _____
19 day of _____, _____.

20
21
22 NOTARY PUBLIC IN AND FOR
23 THE STATE OF _____
24 COMMISSION EXPIRES: _____
25

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF TEXAS
3 AMARILLO DIVISION

4 SPECTRUM WT,)

5 Plaintiff,)

6 v.)

Case No. 2:23-cv-00048

7 WALTER WENDLER, in his)
8 official capacity as the)
9 President of West Texas)
10 A&M University, et al.,)

11 Defendants.)

12 REPORTER'S CERTIFICATION
13 ORAL DEPOSITION OF SHAWN FOUTS
14 DECEMBER 10, 2025

15 I, SHARON D. LIVINGSTON, Certified Shorthand
16 Reporter in and for the State of Texas, hereby certify
17 to the following:

18 That the witness, SHAWN FOUTS, was duly sworn by
19 the deposition officer and that the transcript of the
20 deposition is a true record of the testimony given by
21 the witness;

22 That pursuant to information given to the
23 deposition officer at the time said testimony was taken,
24 the following includes counsel for all parties of
25 record:

Mr. JT Morris and Mr. Adam Steinbaugh, Attorneys
for Plaintiff;

Mr. David Bryant and Ms. Munera Al-Fuhaid,

1 Attorneys for Defendants;

2 That the amount of time used by each party at the
3 deposition is as follows:

4 MR. STEINBAUGH - 04 HOURS: 04 MINUTES

5 MR. BRYANT - 00 HOURS: 20 MINUTES

6 That the sworn deposition transcript was duly
7 submitted on DECEMBER 22, 2025 to the witness or to the
8 attorney for the witness for examination, signature, and
9 return to the deposition officer by JANUARY 24, 2026;

10 That the original deposition was/was not returned
11 to the deposition officer on JANUARY 24, 2026;

12 If returned, the attached Changes and Signature
13 page contains any changes and the reasons therefor;

14 If returned, the original deposition was delivered
15 to Mr. Adam Steinbaugh, Custodial Attorney, and
16 \$2,473.00 is the deposition officer's charges to the
17 PLAINTIFF for preparing the original deposition and any
18 copies of exhibits;

19 I further certify that I am neither counsel for,
20 related to, nor employed by any of the parties or
21 attorneys in the action in which this proceeding was
22 taken, and further, that I am not financially or
23 otherwise interested in the outcome of the action.

24

25

1 Certified to by me this _____ day of _____,
2 2025.

3
4
5
6
7 _____
8 SHARON D. LIVINGSTON, TEXAS CSR 3798
9 Expiration Date: 04-30-26
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